

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       LEI A. CLAIBORNE, L.P.N.**  
**License No.: 0002-060682**

**NOTICE OF HEARING**

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Lei A. Claiborne, L.P.N., who holds License No. 0002-060682, which expired on May 31, 2014, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on July 14, 2014, at 11:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Claiborne will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Claiborne has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Claiborne desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Lei A. Claiborne, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

**STATEMENT OF PARTICULARS**

The Board alleges that:

1. During the course of her employment with Ashland Nursing and Rehabilitation Center, Ashland, Virginia:

a. Lei A. Claiborne, L.P.N., may have violated § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”) in that, on or about October 13, 2013, Ms. Claiborne diverted Tramadol for her personal and unauthorized use, for which she tested positive without a valid prescription.

b. Ms. Claiborne may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Regulations in that she diverted medications as evidenced by the following:

i. On approximately 18 occasions between September 12, 2013, and October 22, 2013, Ms. Claiborne documented withdrawing oxycodone (Schedule II) on the Controlled Medication Utilization Record (“CMUR”) for Resident A, an alert and oriented resident; however, Resident A denied requesting pain medication during this timeframe.

ii. On or about October 5, 2013, Ms. Claiborne documented withdrawing Tramadol on the CMUR for Resident B; however, she failed to document administration on the medication administration record (“MAR”).

iii. On or about October 15, 2013, Ms. Claiborne documented withdrawing lorazepam (Schedule IV) on the CMUR for Resident C; however, she failed to document administration on the MAR.

iv. On or about October 18, 2013, Ms. Claiborne documented withdrawing hydrocodone (Schedule III) on the CMUR for Resident C; however, she failed to document administration on the MAR.

v. On or about October 16, 2013, Ms. Claiborne documented withdrawing Tramadol (Schedule IV) on the CMUR for Resident D; however, she failed to document administration on the MAR.

vi. On or about October 22, 2013, Ms. Claiborne documented withdrawing oxycodone on the CMUR for Resident E; however, she failed to document administration on the MAR.

c. Ms. Claiborne may have violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations in that, on or about October 12, 2013, Ms. Claiborne documented administering medications via PEG tube to Residents F and G; however, she failed to do so.

2. Ms. Claiborne may have violated § 54.1-3007(4) of the Code in that, on or about December 7, 2010, in the General District Court of Henrico County, Virginia, Ms. Claiborne was convicted of using the identification documents of another to avoid summons, arrest, prosecution, or to impede a criminal investigation, a misdemeanor involving moral turpitude.

3. Ms. Claiborne may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that:

a. On the employment application with Consulate Health Care – Ashland Nursing and Rehabilitation Center, dated June 21, 2013, Ms. Claiborne failed to disclose the above-referenced criminal conviction. Ms. Claiborne also failed to disclose her employment at Care Advantage and Companion Extraordinaire Home Care Services. Further, Ms. Claiborne submitted a resume that falsely identified a family member as her R.N. supervisor at Hands on Home Care, and provided his phone number as the contact number for the agency, when, in fact, he is not an R.N., and was never her supervisor.

b. On the employment application with Care Advantage dated February 27, 2013, Ms. Claiborne failed to disclose the above-referenced criminal conviction.

4. Ms. Claiborne may have violated § 54.1-3007(6) of the Code in that she may be unable to safely practice practical nursing due to substance abuse and mental and/or physical illness which requires medication and treatment.

FOR THE BOARD

*for* *Alecia Mitchell*  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director for the  
Board of Nursing

ENTERED: *June 25, 2014*