

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: VICTORIA A. HAMSHAR, R.N.
License No.: 0001-213374**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 28, 2015, in Henrico County, Virginia, to inquire into evidence that Victoria A. Hamshar, R.N., may have violated certain terms and conditions imposed on her as set forth in a Consent Order of the Board entered March 28, 2013. The case was presented by Amanda E. M. Blount, Adjudication Specialist, Administrative Proceedings Division. James Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Hamshar was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Victoria A. Hamshar, R.N., held License No. 0001-213374 to practice professional nursing in the Commonwealth of Virginia, which was issued on June 27, 2008. Her primary state of residence is Virginia. Said license was suspended by a Consent Order of the Board entered March 28, 2013, with said suspension stayed contingent upon Ms. Hamshar's continued compliance with all terms and conditions of the Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP. The stay of indefinite suspension was thereafter summarily rescinded on August 8, 2014, pursuant to a notice of Ms. Hamshar's dismissal from the HPMP on July 18, 2014.

2. Based on the representations of Amanda E. M. Blount, Adjudication Specialist, and

Commonwealth's Exhibit #1, the Notice of Formal Hearing and Statement of Particulars, Allegation Summary Worksheet, and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to Ms. Hamshar and the hearing proceeded in her absence.

3. On July 18, 2014, Ms. Hamshar was dismissed from the HPMP for noncompliance due to her failure to maintain contact with the HPMP, to comply with the urine toxicology screening program, to participate in treatment, and to submit monthly reports.

4. Ms. Hamshar's HPMP compliance case manager testified that Ms. Hamshar was on the right track with her recovery and her financial situation played a large part in her noncompliance.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of Term No. 5 of the Consent Order entered March 28, 2013.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Victoria A. Hamshar, R.N., is hereby REPRIMANDED.
2. License No. 0001-213374 issued to Victoria A. Hamshar, R.N., to practice professional nursing in the Commonwealth of Virginia is CONTINUED on INDEFINITE SUSPENSION.
3. The license of Ms. Hamshar will be recorded as SUSPENDED. Should Ms. Hamshar seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.
4. This Order shall be applicable to Ms. Hamshar's multistate licensure privileges, if any, to practice professional nursing.
5. Said suspension shall be STAYED upon proof that Ms. Hamshar has re-entered into a

contract with the HPMP and upon the condition that she remain compliant with the terms of the HPMP and the following terms and conditions:

a. Ms. Hamshar shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Victoria A. Hamshar, R.N., and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Hamshar is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

6. Upon receipt of evidence of Ms. Hamshar's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Hamshar's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order shall be applicable to Ms. Hamshar's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Hamshar may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

8. Ms. Hamshar shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing

Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

Jay P. Douglas
Gloria Mitchell-Lively
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

Feb. 6, 2015
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By *dgraham*
Virginia Board Of Nursing