

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AMANDA ABSHIRE, C.N.A.
Certificate No.: 1401-088434

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on March 11, 2014, in Henrico County, Virginia. Amanda Abshire, C.N.A., was not present nor was she represented by legal counsel. Judith Piersall, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 21, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Abshire was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Amanda Abshire, C.N.A., was issued Certificate No. 1401-088434 to practice as a nurse aide in Virginia on September 8, 2001. The certificate is scheduled to expire on September 30, 2014.
2. By letter dated February 18, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Abshire notifying her that an informal conference would be held on March 11, 2014. The Notice was sent by certified and first class mail to 12 Rockport Drive, Staunton, Virginia, 24401, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was signed by an unidentified party and returned to the Board office on February 20, 2014. The Notice sent via first class mail was not returned to the Board office. The Agency Subordinate

concluded that adequate notice was provided to Ms. Abshire and the informal conference proceeded in her absence.

3. During course of her employment with Interim Health Care, on July 31, 2013, Ms. Abshire diverted approximately 82 tablets of hydrocodone from a client's home. Ms. Abshire's employment with Interim was terminated.

4. Ms. Abshire's employment with Team Nurse was terminated on May 6, 2013, following two allegations of drug diversion from clients, including an April 28, 2013, incident, when Ms. Abshire produced a client's bottle of morphine, previously reported missing, that she claimed she had found in her purse.

5. Ms. Abshire denied diverting the medication.

6. During course of her employment with AmeriCare Plus in April 2011, Ms. Abshire entered into a transaction for the purchase of a vehicle from a client and she failed to pay the agreed-upon price, but maintained the vehicle.

7. Ms. Abshire's Prescription Monitoring Report shows that between September 2012 and August 2013, Ms. Abshire obtained approximately 1,200 dosage units of narcotic medication from approximately 18 different prescribers, as itemized below:

a. Approximately 294 doses of oxycodone (Schedule II) from approximately eight different prescribers;

b. Approximately 45 doses of hydromorphone (Schedule II) from two different prescribers;

c. Approximately 829 doses of hydrocodone (Schedule III) from approximately 16 different prescribers.

8. Ms. Abshire has been diagnosed with seizure disorder and bipolar disorder.

9. Ms. Abshire’s treating physician stated that Ms. Abshire was not a suitable candidate for a nursing position absent a comprehensive treatment program. She had demonstrated clear evidence of drug-seeking behavior.

10. On two occasions, Ms. Abshire failed to appear for scheduled interviews with the Department of Health Professions investigator in connection with this matter. She was not interviewed.

11. On February 14, 2014, Ms. Abshire was convicted in the City of Staunton, Virginia, General District Court of petit larceny. On March 14, 2014, she was convicted in the City of Staunton, Virginia, General District Court, on a charge of possession of a controlled substance.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(c) of the Regulations Governing Certified Nurse Aides (“Regulations”).

2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(1) of the Regulations.

3. Findings of Fact No. 7(a) through 7(c) and 8 constitute violations of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Certificate No. 1401-088434 of Amanda Abshire, C.N.A., is REVOKED.
2. The certificate will be recorded as suspended and no longer current.
3. A Finding of Misappropriation of patient property shall be ENTERED against Ms. Abshire in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Abshire’s employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42

CFR § 483.13(c)(1)(ii)(B).

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

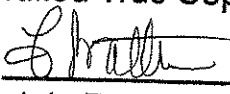
Since Ms. Abshire failed to appear at the informal conference, this Order shall be considered final. Ms. Abshire has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Abshire has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD


SO Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

Entered: May 30, 2014

Certified True Copy

By 
Virginia Board Of Nursing