

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KELLI SHIPMAN, L.P.N.
License No.: 0002-074680

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 February 22, 2012, in Henrico County, Virginia. Kelli Shipman, L.P.N., was present and was not by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 16, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Shipman 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. Kelli Shipman, L.P.N., was issued License No. 0002-074680 to practice practical nursing in Virginia on October 13, 2006. The license is scheduled to expire on August 31, 2013. Ms. Shipman's primary state of residence is Virginia.
2. By letter dated January 31, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Shipman notifying her that an informal conference would be held on February 22, 2012. The Notice was sent by certified and first class mail to 1374 Big Bethel Road, Hampton, Virginia, 23666, the address of record on file with the Board of Nursing.
3. During the course of her employment with Hampton Roads Specialty Hospital, between

July 13, 2011, and August 1, 2011, by her own written admission to facility staff, Ms. Shipman diverted approximately 65 tablets of Percocet (oxycodone/acetaminophen – Schedule II) for her personal and unauthorized use, which she accomplished by withdrawing the medication for two different patients and failing to account for the administration, return or waste of the medication. She also admitted to taking the Percocet while on duty. Ms. Shipman was terminated in August 2011 for the diversion.

4. Ms. Shipman was diagnosed with bipolar disorder in January 2011. She was treated by a nurse practitioner for medication management and saw a psychologist weekly. She stopped taking her medication and seeing her health-care providers after a few months, believing her condition to be under control. Ms. Shipman diverted the Percocet from Hampton Roads Specialty Hospital during this lapse in treatment.

5. Between October 2, 2010, and August 10, 2011, Ms. Shipman obtained prescriptions for nearly 1,000 tablets of hydrocodone (Schedule III) and/or oxycodone (Schedule II) from seven different prescribers, which were filled at six different pharmacies. Ms. Shipman stated at the informal conference that she did not see three of those seven prescribers on a regular basis.

6. Ms. Shipman stated at the informal conference that she did not respond to a request for an interview with an investigator for the Department of Health Professions because she was scared, she had not been taking bipolar medication, and she did not understand the disciplinary process.

7. Ms. Shipman stated at the informal conference that she is not currently employed and that she is currently seeking employment. She stated that her previous employment with Virginia Oncology Associates was terminated for excessive absenteeism.

8. Ms. Shipman stated at the informal conference that she has not received any substance abuse treatment but continues to see a psychiatrist each month. Ms. Shipman restarted her mental health treatment in October 2011. She is currently on Effexor, Lamictal, Trilipital, Geodon, Silenor, and

Ativan (as needed).

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 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.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

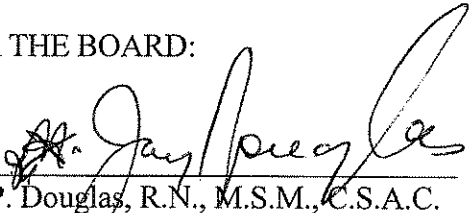
1. The Board shall TAKE NO ACTION against Kelli Shipman, L.P.N., contingent on the condition that Ms. Shipman shall enter the Health Practitioners' Monitoring Program ("HPMP") within 45 days of the date of the entry of this Order and remain compliant with all terms and conditions for the period specified by the HPMP.
2. This Order is applicable to Ms. Shipman's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Shipman shall 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 Ms. Shipman wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
3. Ms. Shipman shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of practical nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Shipman and an administrative proceeding shall be

convened to determine whether such license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Shipman may, not later than 5:00 p.m., on **June 26, 2012**, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:



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

ENTERED: May 24th, 2012

This Order shall become final on **June 26, 2012**; unless a request for a formal administrative hearing is received as described above.