

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KELLI P. 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 October 23, 2013, in Henrico County, Virginia. Kelli P. Shipman, L.P.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, 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 P. Shipman was issued License No. 0002-074680 to practice practical nursing in Virginia on October 13, 2006. The license expired on August 31, 2013. Ms. Shipman's primary state of residence is Virginia.
2. By letter dated September 26, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Shipman notifying her that an informal conference would be held on October 23, 2013. 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. The receipt for the Notice sent via certified mail was signed by an unknown party and returned to the Board office on October 3, 2013. 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. Shipman, and the informal conference proceeded in her absence.

3. On May 24, 2012, the Board entered an Order affecting Ms. Shipman's license to practice practical nursing. Term No. 1 of the Board's Order took no action against Ms. Shipman on the condition that she enter the Health Practitioners' Monitoring Program ("HPMP") and remain compliant with all terms and conditions for the period specified by the HPMP. This Order was based on findings that Ms. Shipman diverted Percocet (oxycodone/acetaminophen – Schedule II) for her personal and unauthorized use and that she was unable to safely practice due to substance abuse.

4. On October 19, 2012, Ms. Shipman was dismissed from the HPMP for noncompliance, including continued use of alcohol, failing to comply with outpatient treatment, and failing to attend the HPMP orientation.

5. Ms. Shipman also refused to enter recommended inpatient treatment. Ms. Shipman has a diagnosis of bipolar disorder. Ms. Shipman stated to the investigator for the Department of Health Professions in January 2013 that she wished to rejoin the HPMP, but she had not done so as of the date of the informal conference.

6. Ms. Shipman's current employment status is unknown.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 1 of the Board's Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Kelli P. Shipman, L.P.N., is hereby REPRIMANDED.
2. License No. 0002-074680 is INDEFINITELY SUSPENDED.

3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Shipman shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Shipman shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
5. This suspension applies to any multistate privilege to practice nursing.

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. Shipman failed to appear at the informal conference, this Order shall be considered final. Ms. Shipman 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. Shipman 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, Henrico, 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

Certified True Copy

By 
Virginia Board of Nursing

Entered: Feb. 14, 2014