



# COMMONWEALTH of VIRGINIA

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Virginia Board of Nursing  
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Executive Director

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## NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

November 25, 2013

Shauna Mitchell, C.N.A.  
207 North Laburnum Avenue, Apt. 4  
Richmond, Virginia 23223

**CERTIFIED MAIL**  
7196 9008 9111 9190 5220

RE: VA Certificate No.: 1401-118966  
Expiration Date: May 31, 2014

Dear Ms. Mitchell:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **December 17, 2013, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws governing nurse aide practice in Virginia and will inquire into allegations that you may be in violation of an Order of the Board entered July 16, 2012 ("Board's Order").

Specifically:

1. You may have violated Term No. 3(a) of the Board's Order, which required you to comply with all terms and conditions of the Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP, in that on or about September 20, 2013, you were dismissed from the program for failing to file monthly progress reports, filing late progress reports, and failing to comply with your case manager's deadline to verify that you had returned to complying with your medications and to contact her.

2. You may be in violation of 54.1-3007(6) of the Code in that you may be unsafe to practice as a nurse aide due to mental illness, as evidenced by the following:

a. On or about October 17, 2013, your treatment provider at Henrico Mental Health and Developmental Services, Glen Allen, Virginia, stated that in order for you to return to nurse aide practice, you would need to be monitored for medication and treatment compliance.

b. On or about June 28, 2012, you signed a Participation Contract with the HPMP in which you acknowledged your diagnosis for major depressive disorder may impair your ability to safely practice as a nurse aide.

The Board hereby offers to enter into the enclosed Consent Order with you in lieu of an informal conference in this matter. Please review this document, and should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your witnessed signature to the Board office on or before *December 10, 2013*. Upon its receipt in the Board office, the Consent Order will be entered and the informal conference will be cancelled. You will receive a certified copy of the Consent Order, bearing the date of entry, shortly thereafter. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on December 10, 2013, the Board will proceed with the informal conference as scheduled.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your certificate, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

If the agency subordinate finds that there is sufficient evidence to find you in violation of the above charge and § 54.1-3007(8) of the Code, the agency subordinate shall recommend that the Board make a finding of abuse, neglect, or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit your future employment as a certified nurse aide in any long term care facility that receives Medicare or Medicaid reimbursement.

#### **Board's Review of Agency Subordinate's Recommended Decision**

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These**

**documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit eight copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, by December 10, 2013. Your documents may not be submitted by facsimile or email.

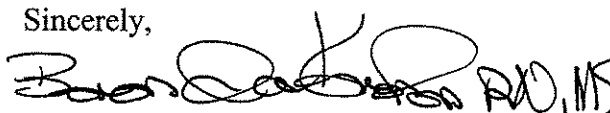
You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on December 17, 2013. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on December 10, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after December 10, 2013 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4614.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,



Brenda Krohn, R.N., M.S.  
Deputy Executive Director

BK/fb

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
James E. Rutkowski, Adjudication Specialist  
Ann Hardy, Senior Investigator (Case no. 152978)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager