



# COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
Director

## Department of Health Professions

Perimeter Center  
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Virginia Board of Nursing  
Jay P. Douglas, RN, MSM, CSAC  
Executive Director

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
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## AMENDED NOTICE OF INFORMAL CONFERENCE

June 14, 2012

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

**CERTIFIED MAIL**  
**7196 9008 9111 0159 9822**

Re: VA License No.: 1401-118966  
Expiration Date: May 31, 2011

Dear Ms. Mitchell:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), on **June 19, 2012, at 10:30 a.m.** at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will receive and act upon your application for the reinstatement of your certificate to practice as a nurse aide in the Commonwealth of Virginia, which expired on May 31, 2011, will inquire into allegations that you may have violated certain laws and regulations governing nurse aide practice in Virginia, will inquire into allegations that you may be in violation of an Order of the Board entered October 7, 2010 ("Board's Order"), and will review the mental health evaluation received by the Board on July 7, 2011, as required by the Board's Order.

Specifically:

1. You may have violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides ("Regulations") in that during the course of your employment with Autumn Care of Norfolk, Norfolk, Virginia:

a. On or about January 26, 2011, you failed to provide care to seven of nine of your assigned residents on your shift.

b. On or about February 20, 2011, by your own admission, you failed to properly use a lift to transfer a resident; moreover, you allowed the resident to lean against the bed and the bed wheels were not locked. As a result the resident slid to the floor and sustained a skin tear.

2. You may have violated Term No. 1 of the Board's Order, which required you to have a mental health evaluation and have a written report of the evaluation sent to the Board within 60 days of entry of the Board's Order. By letter dated March 23, 2011, the Board approved your request for an extension and required you to have the written report of your mental health evaluation submitted to the Board by April 22, 2011. The Board did not receive the report until April 25, 2011.

3. You may be in violation of § 54.1-3007(6) of the Code in that you may be unable to safely practice as a nurse aide in that a mental health evaluation dated April 25, 2011, stated that you are not fit to practice due to mental illness.

4. You may have violated § 54.1-3007(1) and 18 VAC 90-25-100(1)(b) of the Regulations in that on your April 18, 2012, application for reinstatement:

a. You stated that you had never had action taken against your certificate even though the Board's Order directed you to undergo a mental health evaluation.

b. You stated that you do not have a mental, physical or chemical dependency condition that could interfere with your current ability to practice as a nurse aide even though you have two prior involuntary psychiatric hospitalizations.

Pursuant to 18 VAC 90-25-81 of the Regulations Governing Certified Nurse Aides, the burden of providing evidence satisfactory to the Board that you are prepared to resume the competent practice of a nurse aide with reasonable skill and safety to patients rests with you.

In its deliberations, the Committee may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- The Committee may reinstate your certificate to practice as a nurse aide in the Commonwealth without restriction;
- The Committee may reinstate your certificate and place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate, reprimand you, or impose a monetary penalty;
- The Committee may deny your application for reinstatement of your certificate;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate; or
- The Committee may modify a previous order.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If the Committee finds that there is sufficient evidence to find you in violation of the above charge(s) and § 54.1-3007(8) of the Code, the Committee shall 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.

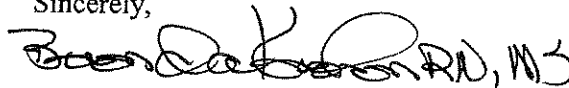
If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by **June 14, 2012**. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on 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.**

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.

Sincerely,



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

BK/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Special Conference Committee Members  
David W. Kazzie, Adjudication Specialist  
Patricia Harte-Byers, Sr. Investigator (Case No. 137741)  
Peggy Wood, Monitoring Program Manager  
Patrick S. Levy-Lavelle, Legal Aid Justice Center 123 E. Broad St, Richmond, VA 23219