



COMMONWEALTH of VIRGINIA

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

Department of Health Professions

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

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

October 8, 2013

Shirlene Pannell-Frazier, R.M.A., C.N.A. Applicant
1325 North Avenue NE
Roanoke, VA 24012

And

16 Barney Street
Newport, Rhode Island 02840

CERTIFIED MAIL
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CERTIFIED MAIL
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RE: VA Registration No.: 0031-006667
Expiration Date: July 31, 2014

Dear Ms. Pannell-Frazier:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **November 5, 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(7) and (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 consider your application for certification by examination as a nurse aide and will inquire into allegations that you may be in violation of certain laws governing nurse and medication aide practice and of an Order of the Board entered January 10, 2013 ("Board's Order") relating to your registration to practice as a medication aide.

Specifically, you may be in violation of § 54.1-3007(6) of the Code and Term No. 1(a) of the Board's Order, which required you to comply with the terms of the Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP, in that on or about May 20, 2013, you were dismissed from the HPMP for noncompliance with the program contract, including failure to enter and

complete treatment as recommended and failure to comply with the urine toxicology screening program.

The burden rests on you, as the applicant, to demonstrate that you meet the requirements of § 54.1-3023 of the Code.

In its deliberations, the agency subordinate 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.

With respect to your registration to practice as a medication aide, 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 medication 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 registration, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

With respect to your application for certification by examination as a nurse aide, after consideration of all information, the agency subordinate may:

- Approve your application for licensure by examination;
- Recommend to the Board that your application be approved with a reprimand, a monetary penalty, or terms and conditions, which may include placing you on probation;
- Recommend to the Board that your application be denied.

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

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.**

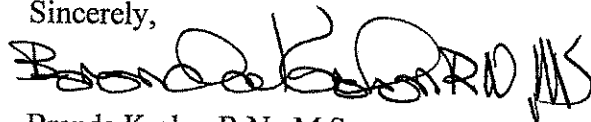
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by October 31, 2013. Your documents may not be submitted by facsimile or email.

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 November 5, 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 October 31, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after October 31, 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.

Sincerely,



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

BK/fdb
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
David W. Kazzie, Adjudication Specialist
Agency Subordinate
Peggy Wood, Monitoring Program Manager
Tonya James, Compliance Case Manager (Case No. 152976/152977)