

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           SHIRLENE PANNELL-FRAZIER, R.M.A., C.N.A. APPLICANT**  
**Registration No.: 0031-006667**

**ORDER**

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"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on November 5, 2013, in Henrico County, Virginia. Shirlene Pannell-Frazier, R.M.A., C.N.A., was not present nor was she represented by legal counsel. Nancy Durrett, 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. Pannell-Frazier 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. Shirlene Pannell-Frazier, R.M.A., was issued Registration No. 0031-006667 to practice as a medication aide in Virginia on April 18, 2013. The registration is scheduled to expire on July 31, 2014. On August 27, 2013, Ms. Pannell-Frazier submitted an application for certification as a nurse aide by examination.

2. By letter dated October 8, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Pannell-Frazier notifying her that an informal conference would be held on November 5, 2013. The Notice was sent by certified and first class mail to 1325 North Avenue NE, Roanoke, Virginia, 24012, the address of record on file with the Board of Nursing. The Notice was also sent to 16 Barney Street, Newport, Rhode Island, 02840, a secondary address. The Notices sent via first-class mail to the address of record and to the secondary address were not returned. The Notice sent via certified mail to the secondary address was returned to the Board office unclaimed. Ms. Pannell-Frazier sent a letter to the Board, which was received on October 29,

2013, in which she stated she could not attend the proceeding on November 5, 2013, because she had relocated to Rhode Island and could not travel due to starting a new job. The Agency Subordinate concluded that adequate notice was provided to the respondent and the informal conference proceeded in her absence.

3. On January 10, 2013, Ms. Pannell-Frazier signed a Consent Order (“Board’s Order”) approving her application for registration as a medication aide contingent upon her enrollment in and compliance with the Health Practitioners’ Monitoring Program (“HPMP”).

4. Ms. Pannell-Frazier signed a Participation Contract and a Recovery Monitoring Contract with the HPMP on February 4, 2013, and she signed a second Recovery Monitoring Contract on February 7, 2013.

5. On May 20, 2013, Ms. Pannell-Frazier was dismissed from the HPMP for noncompliance, including failure to enter and complete treatment as recommended and failure to comply with the urine toxicology screening program.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 1(a) of the Board’s Order.

2. Ms. Pannell-Frazier does not meet the requirements of § 54.1-3023 of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Shirlene Pannell-Frazier, R.M.A. is hereby REPRIMANDED.

2. Registration No. 0031-006667 of Shirlene Pannell-Frazier, R.M.A., to practice as a medication aide is INDEFINITELY SUSPENDED.

3. The registration will be recorded as suspended and no longer current.

4. At such time as Ms. Pannell-Frazier shall petition the Board for reinstatement of her registration, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of a medication aide. Ms. Pannell-Frazier shall be responsible for any fees that may be required for the reinstatement and renewal of the registration prior to issuance of the registration to resume

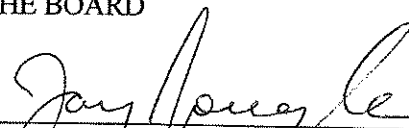
practice.

5. The application of Shirlene Pannell-Frazier, R.M.A., for certification as a nurse aide is hereby DENIED.

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. Pannell-Frazier failed to appear at the informal conference, this Order shall be considered final. Ms. Pannell-Frazier 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. Pannell-Frazier 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, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

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

Entered: February 12<sup>th</sup>, 2014

Certified True Copy

By   
Virginia Board Of Nursing