

VIRGINIA:

0031-006667

**BEFORE THE BOARD OF NURSING**

**IN RE: SHIRLENE E. PANNELL, R.M.A. APPLICANT**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Shirlene E. Pannell, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Pannell's application for registration as a medication aide in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Shirlene E. Pannell submitted an application for registration as a medication aide which was received by the Virginia Board of Nursing on September 5, 2012.
2. On February 7, 2008, in the United States District Court, Western District of Virginia, Ms. Pannell was convicted of felony possession with intent to distribute more than 50 grams of cocaine base and sentenced to 57 months in federal prison, followed by a 4-year term of supervised probation.
3. Ms. Pannell has worked as direct care aide at North Roanoke Assisted Living, Roanoke, Virginia since May 1, 2011. Her supervisor stated that Ms. Pannell is a dedicated employee and recommended her to become a medication aide.
4. In an undated letter to the Board, attached to her 2012 application, Ms. Pannell stated that she completed a nine-month, inpatient drug education program while in prison, and has been drug and alcohol free for five years.

**CONCLUSIONS OF LAW**

1. Finding of Fact No. 2 constitutes a violation of §54.1-3007(4) and (6) of the Code of Virginia (1950), as amended (“Code”).
2. Ms. Pannell otherwise meets the requirements of §54.1-3042 of the Code.

**CONSENT**

Shirlene E. Pannell, by affixing her signature hereon, agrees to the following:

1. Ms. Pannell has been advised to seek advice of counsel prior to signing this document;
2. Ms. Pannell acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. Ms. Pannell acknowledges that she has the following rights, among others: the right to an informal fact-finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. Ms. Pannell waives all such right to an informal conference;
5. Ms. Pannell admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. Ms. Pannell consents to the entry of the following Order affecting her application for registration as a medication aide in Virginia.

**ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The application of Shirlene E. Pannell for registration by examination as a medication aide is hereby APPROVED contingent upon receiving proof of her entry into the Health Practitioners' Monitoring Program ("HPMP"). Upon successful completion of the Medication Aide Certification Examination ("MACE"), Ms. Pannell shall be registered to practice as a medication aide in the Commonwealth under the following terms and conditions:

a. Ms. Pannell shall comply with the terms of the HPMP for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for revoking the registration of Ms. Pannell, and an administrative proceeding shall be held to decide whether her registration should be revoked. Ms. Pannell shall be noticed to appear before the Board at such time as the Board is notified that:

i Ms. Pannell is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

ii There is a pending investigation or unresolved allegation against Ms. Pannell involving a violation of law or regulation or any term or condition of this Order; or

iii Ms. Pannell has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Pannell's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Pannell's appearance before the Board and conduct an administrative review of this matter.

2. Ms. Pannell shall maintain a course of conduct in her capacity as a medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Registration of Medication Aides.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

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

ENTERED: January 10<sup>th</sup>, 2013

SEEN AND AGREED TO:

Shirlene Pannell  
Shirlene E. Pannell

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Salem, TO WIT:

Subscribed and sworn to before me, Archana N Shah, a Notary Public, this 2<sup>nd</sup> day of January, 2013

My commission expires 06/30/16.

Registration Number 7521221.

Archana Nimesh Shah  
NOTARY PUBLIC



ARCHANA NIMESH SHAH  
NOTARY PUBLIC 7521221  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JUNE 30, 2016

Certified True Copy

By [Signature]  
Virginia Board Of Nursing