

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ANDRITA P. WILLIAMS, L.P.N.
License No.: 0002-081344

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on October 21, 2013, in Henrico County, Virginia, to inquire into evidence that Andrita P. Williams, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Williams was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Andrita P. Williams, L.P.N., was issued License No. 0002-081344 to practice as a practical nurse in the Commonwealth of Virginia on October 9, 2009. Said license is set to expire on April 30, 2015. Ms. Williams' primary state of residence is Virginia.
2. In October 2012, during the course of her employment with Old Dominion Home Health, Richmond Virginia, Ms. Williams accepted the assignment to become the primary nurse for Patient A, a ventilator and tracheostomy tube-dependent nine-year-old diagnosed with spastic quadriparetic cerebral palsy. He had other medical problems including asthma, tracheomalacia, and seizures. Prior to becoming his primary care nurse, Ms. Williams had cared for Patient A on a PRN basis.
3. On November 20, 2012, Patient A stopped breathing after his tracheostomy tube became dislodged. After contacting Patient A's mother and then calling 911, Ms. Williams failed to reposition or

reinsert the tracheostomy tube. Evidence presented at the hearing was contradictory of whether or not she used the manual ventilation bag to ventilate Patient A.

4. Two first responders with Chesterfield Fire and Emergency Medical Services who responded to the emergency call both stated that the child's airway was not patent and that the tracheostomy tube had become dislodged. Both also stated that they did not recall hearing any equipment alarms sounding in the child's bedroom.

5. The EMS team transported the child to the ambulance, where the paramedics reinserted the tracheostomy tube and then began manual ventilation via an Ambu bag. The child began breathing again, but he expired at the hospital three days later.

6. Ms. Williams stated in her interview with the Department of Health Professions investigator that this was her first case working with a ventilator-dependent pediatric patient and that her employer and the client were aware of this. Despite her lack of training, she accepted the case. She also stated on her application for employment with Old Dominion Home Health that she had experience in adult tracheostomy tube care. When Patient A initially had the tracheostomy tube inserted in July 2012, two other staff members had to attend ventilator training at the hospital, along with the client. Ms. Williams did not receive any training from her employer or from the hospital; the patient's mother showed her how to care for the patient.

7. Contrary to the testimony of the first responder on the scene, the evidence provided from the Prehospital Patient Care Report, and the testimony of Patient A's mother that Ms. Williams stated that Patient A's tracheostomy tube had come out, Ms. Williams testified at the hearing that the tracheostomy tube was never dislodged. Her justification for this conflict was that she knows exactly what she did and that she cannot speak to other people's perceptions of the event.

8. When the Board asked Ms. Williams if it is medically appropriate to perform compressions on a patient who has a tracheostomy tube, Ms. Williams answered that she had asked Patient A's mother if it was proper to do so and then relied on her affirmative answer that two finger compressions were proper in

this situation.

9. Ms. Williams' testimony showed multiple inconsistencies. For example, she testified that she was bagging Patient A, performing CPR, and speaking with Patient A's mother on the phone while the ventilator's alarm was going off. She previously had testified that she probably turned the alarm off so she could hear Patient A's mother over the phone. Also, her written statement in the record as well as her interview with the investigator she admitted that she had not worked with a patient with a ventilator but she testified at the hearing that she had previously worked with adult ventilator-dependent patients. In fact, she stated that she had routine experience for six to seven months with ventilator patients. She later said that she had experience with adults, but not with pediatrics.

10. Ms. Williams first stated that this situation taught her that she should get proper training and know what she was getting into before taking a position. She then stated that she did feel completely comfortable with providing care to Patient A because his mother had showed Ms. Williams how to care for him. She then testified that she did not think she had proper training and had asked about training previously, despite her earlier testimony that she felt confident that she knew how to care for the patient in an emergency situation.

CONCLUSION OF LAW

The Board concludes that Finding of Fact Nos. 3 and 6 constitute a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(b) and (A)(2)(f) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Andrita P. Williams, L.P.N., is hereby REPRIMANDED.

2. License No. 0002-081344 issued to Andrita P. Williams, L.P.N., to practice practical nursing in the Commonwealth of Virginia is hereby SUSPENDED for a period of six months.
3. The license of Ms. Williams will be recorded as SUSPENDED.
4. Ms. Williams shall provide the Board with verification that she has completed the following NCSBN online courses within six months of the entry of this Order: *Professional Accountability and Legal Liability for Nurses; Righting a Wrong: Ethics and Professionalism in Nursing; Sharpening Critical Thinking Skills for Competent Nursing Practice; and Disciplinary Actions: What Every Nurse Should Know.*
5. Following the conclusion of the six-month suspension of Ms. Williams' license to practice practical nursing, Ms. Williams shall be placed on INDEFINITE PROBATION for not less than two years of actual nursing employment subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Williams has completed two years of active employment as a licensed practical nurse. The license of Ms. Williams shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegations involving a violation of law, regulation, or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4300 et seq. and § 54.1-2400(9) of the Code of Virginia (1950), as amended ("Code").
 - b. Ms. Williams shall inform the Board in writing within ten days of the date she begins nursing practice or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Williams shall provide the name and address of each employer to the Board.
 - c. Ms. Williams shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Williams is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

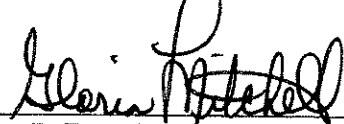
- d. Performance evaluations shall be provided, at the direction of Ms. Williams, by all nursing employers, as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.
- e. Ms. Williams shall practice nursing in a structured/supervised employment setting satisfactory to the Board for one year after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse, who works the same shift and works on the same level of the building and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Williams shall have current and all prospective provide a written description of the employment setting to the Board office for approval.
- f. Ms. Williams shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.
- g. Ms. Williams shall return all copies of her license to practice as a practical nurse to the Board office within ten days of the date of entry of this Order along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."
- h. Ms. Williams shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.
- i. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Williams and an administrative proceeding shall be held to decide whether her license shall be suspended or revoked.

j. This Order is applicable to Ms. Williams' multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Williams shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

6. Ms. Williams shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 on request.

FOR THE BOARD

for 

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

December 5, 2013

ENTERED

Certified True Copy
By *draham*

Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.