



COMMONWEALTH of VIRGINIA

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Director

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

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

Board of Nursing (804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9512

September 14, 2006

Sharon White, L.P.N.
402 Sparrow Road
Chesapeake, VA 23325

CERTIFIED MAIL
71603901984887259960

Re: License No.: 0002-019205
Expires: March 31, 2007

Dear Ms. White:

This letter is official notification that an informal conference of the Virginia Board of Nursing will be held on **October 6, 2006, at 9:00 a.m.**, at 6603 West Broad Street, Fifth Floor, Richmond, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(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 inquire into allegations that you may have violated certain laws governing the practice of practical nursing in Virginia. Specifically:

1. During the course of your employment at Tandem Healthcare of Norfolk, Norfolk, Virginia ("Tandem"), you may have violated § 54.1-3007(2), (5) and (8) of the Code, and 18 VAC 90-20-300(A)(2)(f) of the Board of Nursing Regulations, in that:

a. On or about December 20, 2005, you found Resident A to be unresponsive and did not follow facility policy to initiate a Code and summon emergency personnel to determine whether the resident could be resuscitated. Although you claimed to have visited Resident A at 6:45 a.m., when she was still breathing, and claimed not to have seen her again until other staff found her unconscious at approximately 8:15 a.m., you were seen by other staff entering the resident's room between those hours and you wrote on the back of the MAR, "meds not given, unable to awake." You were terminated from your nursing position at Tandem on December 23, 2005, as a result of this incident.

b. On or about December 9, 2005, while evaluating a newly admitted resident at Tandem, Resident B, you failed to perform a complete body check and therefore did not document red marks on the resident's heel, and leg wounds, which were covered with dressings, on the evaluation for admission.

Board of Audiology & Speech - Language Pathology - Board of Dentistry - Board of Funeral Directors & Embalmers - Board of Medicine - Board of Nursing
Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine
Board of Health Professions

2. During the course of your employment at Tandem, you may have violated § 54.1-3007(5) in that on or about December 10, 2005, you incorrectly transcribed a physician's medication order for Resident B. The order was for Osmolite HN@100cc/hr from 8:00 in the morning until 10:00 in the evening, at which time, Resident B was to receive water only from 10:00 p.m. until 8:00 a.m. @75cc/hr, and you wrote Osmolite 100cc/hr 8 p.m. until 10 a.m.; Water 75cc/hr 8 a.m. until 10 p.m.

3. While employed at Chesapeake Healthcare Center, Chesapeake, Virginia, you may have violated § 54.1-3007(2), (5) and (8) of the Code, and 18 VAC 90-20-300(A)(2)(f) of the Board of Nursing Regulations, when, on or about September 10, 2004, you failed to check on one of the residents under your care, after being alerted by a CNA that she had found said resident on the floor.

Please see Attachment I for the names of the residents referenced above.

After consideration of all information, the agency subordinate may:

1. Recommend to the Board that you be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory/regulatory violation has occurred; or

2. 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 license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 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) 662-9909.

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 have enclosed 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, and must be claimed at the post office. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

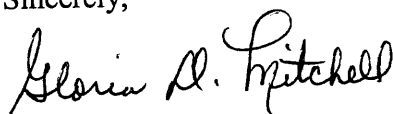
To facilitate this proceeding, you should submit four copies of any documents you wish for the agency subordinate to consider to Gloria Mitchell, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, by **September 29, 2006**. Your documents may not be submitted by facsimile or e-mail.

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 **October 6, 2006**. 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 **5:00 p.m. on September 29th**. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **September 29th**, 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 medicine 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) 662- 9948.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

Enclosures:

cc: Agency Subordinate
Robert A. Nebiker, Director, Department of Health Professions
Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Peter Oppen, Adjudication Specialist
Janice Fleming, Senior Investigator (106884)