

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TALITHA M. SHAFFER, C.N.A., R.M.A. APPLICANT
Certificate No.: 1401-143596

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 June 11, 2013, in Henrico County, Virginia. Talitha M. Shaffer, C.N.A., R.M.A. Applicant, was not present nor was she represented by legal counsel. Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Shaffer 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. Talitha M. Shaffer, C.N.A., R.M.A. Applicant, was issued Certificate No. 1401-143596 to practice as a nurse aide in Virginia on March 30, 2011. The certificate expired on March 31, 2013.
2. By application received November 2, 2012, Ms. Shaffer applied for registration by examination as a medication aide in the Commonwealth of Virginia.
3. By letter dated May 6, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Shaffer notifying her that an informal conference would be held on June 11, 2013. The Notice was sent by certified and first class mail to 902 Grand Arbre Drive, Bedford, Virginia 24523, the address of record on file with the Board of Nursing. The certified mail receipt was signed by Ms. Shaffer on May 9, 2013; the first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Shaffer and the informal conference proceeded in her absence.

4. During the course of her employment with Oakwood Health and Rehabilitation Center, Bedford, Virginia, on August 24, 2012, Ms. Shaffer engaged in a loud, inappropriate verbal argument with Resident A, involving profanity and over a soiled wash cloth. This incident was witnessed by another certified nurse aide and the L.P.N. Unit Coordinator.

5. There was no harm to Resident A. Ms. Shaffer's employment was terminated on August 30, 2012.

6. On the application for employment with Carriage Hill dated September 12, 2012, Ms. Shaffer answered "no" to the question, "have you ever been dismissed or resigned from any employment," when, in fact, her employment at Oakwood Health and Rehabilitation Center was terminated on August 30, 2012. Ms. Shaffer also answered "no" to the question, "have you ever been convicted of any crime," when, in fact, she had a misdemeanor conviction for distributing marijuana as an accessory after the fact in January 2008.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(5) of the Code.
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) of the Code, 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides and 18 VAC 90-60-120(2)(e) of the Regulations Governing Medication Aides.
3. Ms. Shaffer otherwise meets the requirements of § 54.1-3042 of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

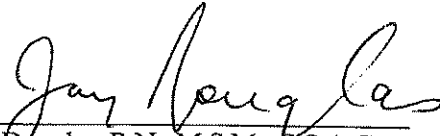
1. The application of Talitha M. Shaffer, C.N.A., for registration by examination is hereby APPROVED. Upon successful completion of the Medication Aide examination, Ms. Shaffer shall be issued an unrestricted registration to practice as a medication aide in the Commonwealth.
2. Ms. Shaffer is hereby REPRIMANDED.
3. Ms. Shaffer shall maintain a course of conduct in her capacity as a nurse aide and as a medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code, the Regulations

Governing Certified Nurse Aides and the Regulations Governing the Registration of Medication Aides.

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. Shaffer failed to appear at the informal conference, this Order shall be considered final. Ms. Shaffer 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. Shaffer 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



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

Entered: August 1, 2013

Certified True Copy

By 
Virginia Board Of Nursing