

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: SHANICE TERRY, C.N.A.
Certificate No.: 1401-146352**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on April 23, 2013, in Henrico County, Virginia. Shanice Terry, 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 July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Terry 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. Shanice Terry, C.N.A., was issued Certificate No. 1401-146352 to practice as a nurse aide in Virginia on July 12, 2011. The certificate is scheduled to expire on July 31, 2013.
2. By letter dated March 27, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Terry notifying her that an informal conference would be held on April 23, 2013. The Notice was sent by certified and first class mail to 95 Claiborne Avenue, Apt. 1, Rocky Mount, Virginia, 24151, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was signed by Ms. Terry and returned to the Board office on April 2, 2013. The Notice sent via first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Terry and the informal conference proceeded in her absence.

3. During course of employment with Trinity Mission of Rocky Mount, Rocky Mount, Virginia:

a. On October 13, 2012, Ms. Terry allowed a wheelchair-bound resident onto the porch unsupervised. The resident's chair rolled away, unattended. At that time, Ms. Terry was instructed by an R.N. supervisor not to let any resident on the porch without supervisor approval. There was no injury to that resident.

b. On October 14, 2012, Ms. Terry allowed a wheelchair-bound resident onto the porch without supervisor permission. The resident was found unresponsive by the family of another resident after the resident's chair rolled away from the porch. The resident, who also sustained abrasions to her right knee, was transported to the emergency room.

c. During the second incident, Ms. Terry remained at the desk working on schoolwork while another nurse responded to the non-responsive resident and while emergency medical staff responded to the call.

d. Ms. Terry admitted during the facility investigation that she let the resident onto the porch in the second incident without obtaining supervisor approval.

e. Ms. Terry's employment with Trinity Mission of Rocky Mount was terminated. This was her first employment as a C.N.A.

2. Ms. Terry's current employment status is unknown. Ms. Terry refused to provide a verbal or written statement to the investigator for the Department of Health Professions and instead referred the investigator to the written statement she had prepared for the facility during its investigation.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3b constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code

and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 4 and Conclusion of Law No. 2 constitute a Finding of Neglect pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).

ORDER

WHEREFORE, it is hereby ORDERED as follows:

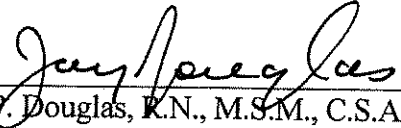
1. Certificate No. 1401-146352 of Shanice Terry, C.N.A., is INDEFINITELY SUSPENDED for not less than one year.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Terry shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of a nurse aide. Ms. Terry shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice. The reinstatement of Ms. Terry's certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
4. A Finding of Neglect shall be ENTERED against Ms. Terry in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Terry's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).
5. Since this Finding of Neglect was based on a singular occurrence, Ms. Terry is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

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.

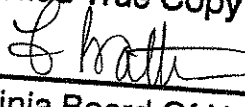
Since Ms. Terry failed to appear at the informal conference, this Order shall be considered final. Ms. Terry has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Terry has thirty (30) days from the date of 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: July 22nd, 2013

Certified True Copy
By 

Virginia Board Of Nursing