

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MICHELLE SHEARS, L.P.N.
License No.: 0002-077714**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Nursing ("Board") met on April 3, 2013, in Henrico County, Virginia, to inquire into evidence that Michelle Shears, L.P.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Shears was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Michelle Shears, L.P.N., was issued License No. 0002-077714 to practice practical nursing in the Commonwealth of Virginia on March 5, 2008. Said license is valid in Virginia only and expires on October 31, 2014. Her primary state of residence is West Virginia. She was previously licensed in Maryland and West Virginia; both licenses have expired.
2. By letter dated March 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Shears notifying her that an informal conference would be held on April 3, 2013. The Notice was sent by certified and first class mail to 44 John Rissler Road, Charles Town, West Virginia 25414, the address of record on file with the Board of Nursing.
3. During the course of her employment with Evergreen Health and Rehab, Winchester, Virginia, on June 24, 2012, Ms. Shears applied a heat rub and a heating pack to a resident's neck without a physician's order, and without using sufficient protection against burns. The resident suffered a blister as a result.

4. Ms. Shears was employed with Evergreen from November 2009 through June 2012. Her employment was terminated on June 26, 2012. She had eight prior disciplinary actions at Evergreen for medication errors, excessive holes in medication and treatment administration records, and absenteeism/tardiness.

5. Ms. Shears stated at the informal conference that she was working a great number of overtime hours at Evergreen, so that she worked a total of 120 hours every two weeks. She stated that she was currently unemployed.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(a) and (f) of the Regulations Governing the Practice of Nursing.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

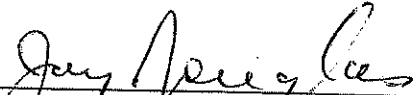
1. Michelle Shears, L.P.N., is hereby REPRIMANDED.
2. Ms. Shears shall provide the Board with verification that she has completed the following three NCSBN online courses within 60 days of the date this Order is entered: *Medication Errors: Detection and Prevention*; *Professional Accountability and Legal Liability for Nurses*; and *Documentation: A Critical Aspect of Client Care*.
3. Ms. Shears 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.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation

of the license of Ms. Shears and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Shears may, not later than 5:00 p.m., on May 22, 2013, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

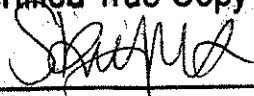


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: April 19th, 2013

This Order shall become final on May 22, 2013 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing