

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:**       **HELLEN YIAPAN, L.P.N. REINSTATEMENT APPLICANT**  
**License Number:**   **0002-075077**  
**Suspension Date:**   **March 29, 2012**  
**Case Number:**       **172378**

---

**AMENDED NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

---

**You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your application for reinstatement of your license to practice practical nursing in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.**

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board.
<b>DATE AND TIME:</b>	<b>March 23, 2017 2:30 P.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of practical nursing.
3. In considering your application, the Board will consider evidence that grounds exist to deny your application for reinstatement of your license to practice practical nursing, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
  - Approve your application and issue an unrestricted license to practice practical nursing;
  - Approve your application and issue a reprimand, a monetary penalty, and/or a restricted license subject to terms and conditions; or
  - Deny your application and continue your license on indefinite suspension or revoke your license.

### **ABSENCE OF APPLICANT AND APPLICANT'S COUNSEL:**

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

### **APPLICANT'S LEGAL RIGHTS:**

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

### **COMMONWEALTH'S EXHIBITS:**

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

### **FILING DEADLINES:**

1. Deadline for filing exhibits: **March 3, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **March 8, 2017**. If no objections have been received by **March 8, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **March 13, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **March 3, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **March 3, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **March 3, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion. **NOTE:**

failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

**REQUEST FOR A CONTINUANCE:**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **March 3, 2017** will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **March 3, 2017**.

**OTHER IMPORTANT INFORMATION:**

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

---

### STATEMENT OF ALLEGATIONS

---

The Board alleges that grounds exist to refuse to reinstate the license of Hellen Yiapan, L.P.N. to practice practical nursing in that:

1. Hellen Yiapan violated Virginia Code § 54.1-3007(4) in that on or about February 22, 2012, in the Criminal Court of Baltimore, Maryland, Ms. Yiapan was convicted of one count of Medicaid fraud and one count of conspiracy to commit Medicaid fraud, both felonies. Said convictions formed the basis of the mandatory suspension of her license to practice as a practical nurse in the Commonwealth of Virginia.
2. Ms. Yiapan violated Virginia Code § 54.1-3007(2), (3), (5) and (8) and 18 VAC 90-20-300(A)(2)(d), (f), and (i) of the Regulations Governing the Practice of Nursing ("Regulations") in that, during the course of her employment with MBL Associates, Inc., Gaithersburg, Maryland, on or about April 18, 2009, Ms. Yiapan accepted a home health assignment to work the night shift providing nursing care to a pediatric patient with multiple congenital anomalies, who had a trach and a G-tube; however, from on or about April 18, 2009 to January 12, 2010, at the direction of Ms. Yiapan, an unlicensed family member assumed Ms. Yiapan's identity and reported to the assignment in her place, and provided care to the patient and documented care on the nursing flowsheets.
3. Ms. Yiapan violated Virginia Code § 54.1-3007(7) in that, pursuant to a Consent Order of Suspension entered February 28, 2012 by the Maryland Board of Nursing, Ms. Yiapan's nursing assistant certificate was suspended for a minimum of one year, based on findings of fact indicated in Allegation No. 2.
4. Ms. Yiapan violated Virginia Code § 54.1-3007(2), (3), (5) and (8) and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing in that, during the course of her employment as a certified nursing assistant with Family and Nursing Care, Silver Spring,

Maryland, from on or about May 21, 2005 to December 27, 2005, Ms. Yiapan assumed the identity of several individuals certified as nursing assistants in the State of Maryland and obtained home health assignments and received payment using their names.

5. Ms. Yiapan violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice practical nursing due to substance abuse and/or mental and/or physical illness, as evidenced by the following:

a. On or about August 26, 2014, in the District Court for Montgomery County, Maryland, Ms. Yiapan was convicted of driving while impaired by alcohol.

b. On or about August 7, 2015, Ms. Yiapan was diagnosed with bipolar disorder, most recent episode mixed, and anxiety disorder; however, as of April 13, 2016, she was not receiving any mental health treatment.

6. Ms. Yiapan violated Virginia Code § 54.1-3007(1) and 18 VAC 90-20-300(A)(1)(b) of the Regulations in that:

a. On the application for reinstatement of her Virginia nursing license, dated September 20, 2016:

i) Ms. Yiapan falsely answered "no" to the questions regarding disciplinary action taken by any licensing authority in any jurisdiction and whether her practice had ever been the subject of an investigation by any licensing authority, when, in fact, her nursing assistant certificate had been investigated and suspended by the Maryland Board of Nursing.

ii) Ms. Yiapan falsely answered "no" to the question "do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing," when, in fact, she has been diagnosed with bipolar disorder and has admitted to drinking alcohol while taking mental health medication.

iii) Ms. Yiapan failed to disclose her conviction for driving while impaired by alcohol.

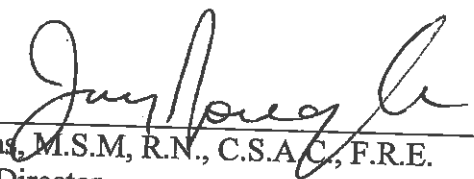
b. On the application for reinstatement dated December 22, 2015:

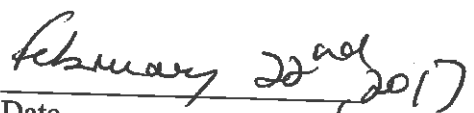
i) Ms. Yiapan failed to disclose her conviction for driving while impaired by alcohol.

ii) Ms. Yiapan falsely answered "no" to the question "do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing," when, in fact, she has been diagnosed with bipolar disorder and has admitted to drinking alcohol while taking mental health medication.

iii) When asked to list all employers since her license was suspended, Ms. Yiapan indicated that she had been unemployed; however, she had been working at LESHAN, L.L.C., since October 2015.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Yiapan's health records or health services.

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

  
Date