

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: SUSAN A. FONTANA, L.P.N.**

**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 August 22, 2007, in Henrico County, Virginia. Ms. Fontana was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 14, 2007, the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Fontana 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. Susan A. Fontana was issued license number 0002-049880 to practice practical nursing in Virginia on September 1, 1994. The license expired on April 30, 2007.

2. By letter dated July 30, 2007, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Fontana notifying her that an informal conference would be held on August 22, 2007. The Notice was sent by certified and first class mail to 14001 Palomino Way, Midlothian, VA 23112, the address of record on file with the Board of Nursing. According to the United States Postal Service, the mail was undeliverable at the address of record and no forwarding address was available. The Agency Subordinate determined that Ms. Fontana had received adequate notice and the informal conference proceeded in her absence.

3. Ms. Fontana’s license to practice practical nursing was suspended on August 15, 2005, for submitting a worthless check to the Department of Health Professions for renewal of her license. Ms. Fontana’s license was reinstated by a Board Order entered November 16, 2005.

4. Ms. Fontana worked on a suspended license from August 18, 2005, until November 16, 2005, as a practical nurse for Ruxton Health of Stratford Hills, Richmond, Virginia.

### **CONCLUSIONS OF LAW**

The Board concludes that Finding of Fact #4 constitutes a violation of §§54.1-3007(3) and 54.1-3008(A)(2) and (5) of the Code.

### **ORDER**

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

1. Susan A. Fontana, L.P.N., is hereby REPRIMANDED.
2. Ms. Fontana shall pay a MONETARY PENALTY of \$100.00 to the Board within 60 days of the date this Order is entered.

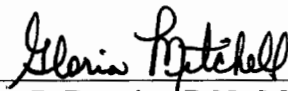
Ms. Fontana shall maintain a course of conduct in her practice of practical nursing commensurate with the requirements of Title 54.1, Chapter 30 of the Code and all laws of the Commonwealth.

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

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.

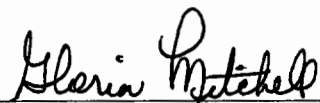
FOR THE BOARD

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

Entered: December 20, 2007

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Susan Fontana, L.P.N., at 14001 Palomino Way, Midlothian, VA 23112.

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

December 20, 2007  
DATE