



# COMMONWEALTH of VIRGINIA

Robert A. Nebiker  
Director

*Department of Health Professions*  
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Virginia Board of Nursing  
Jay P. Douglas, RN, MSM, CSAC  
Executive Director

January 23, 2003

Board of Nursing (804) 662-9909  
Nurse Aide Registry (804) 662-7310  
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**CERTIFIED MAIL**  
**71064575129435575941**

Susan Fontana, L.P.N.  
13719 Kentucky Derby Court  
Midlothian, Virginia 23112

**RE: License No.: 0002-049880--Expires 4-30-2003**

Dear Ms. Fontana:

This is official notification that an Informal Conference will be held, pursuant to § 2.2-4019, § 2.2-4021, § 54.1-2400(10) and § 54.1-3010 of the Code of Virginia (1950), as amended, on, **February 13, 2003, at 1:00 p.m.**, in the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia. You may be represented by an attorney at the Informal Conference.

The Special Conference Committee, which is comprised of two or three members of the Virginia Board of Nursing, will inquire into allegations that you may have violated certain will inquire into allegations that you may have violated certain laws and regulations governing the practice of Nursing in Virginia. Specifically:

1. During the course of your employment at Southerland Place, Midlothian, Virginia:
  - a. You may be in violation of § 54.1-3007(2) of the Code of Virginia (1950) as amended (the Code), and 18 VAC 90-20-300(A)(2)(e) of the Board of Nursing Regulations, in that, by your own admission, you were employed in the capacity of a licensed practice nurse, and you used the L.P.N. designation, from April 30, 2001 through December 22, 2001. During that period, your practical nurse license was expired. As a result, your employment was terminated.
  - b. You may be in violation of § 54.1-3007(2) of the Code in that on or about May 31, 2001, you received an employee memorandum that stated "Room 619-Bed found at 7 a.m. made up wet." The memorandum noted this same problem was addressed with you previously.

*Virginia Board of Nursing 1903 - 2003*  
*Regulating Nursing - Protecting The Public*

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Board of Health Professions

- c. You may be in violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Board of Nursing Regulations, in that on or about December 21, 2000, you falsified your application for employment. You stated that you had not been convicted of a felony, or within the last five (5) years a misdemeanor, which resulted in imprisonment; when, in fact, you had misdemeanor convictions that resulted in imprisonment in December 1999, August 2000, and September 2000.
2. You may be in violation of § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Board of Nursing Regulations, in that, on or about March 15, 2002, your employment with Nurse Finders, Richmond, Virginia, was terminated, due to your forging a time slip, indicating that you had worked a complete shift, when, after receiving payment, you admitted that you did not work a complete shift.
3. You may be in violation of § 54.1-3007(2) and (4) of the Code in that you received various misdemeanor convictions as noted below:
  - a. On or about April 10, 2002, in Chesterfield County General District Court, Chesterfield, Virginia, you were convicted of issuing checks, drafts or orders for payment, in violation of § 18.2-181, having an aggregate represented value of \$200.00 or more drawn upon the same account, a misdemeanor.
  - b. On or about April 10, 2002, in Chesterfield County General District Court, Chesterfield, Virginia, you were convicted of intent to defraud, make, draw, utter or deliver a check in the amount of \$208.99 made payable to Target Stores knowing that there were insufficient funds in your checking account, a misdemeanor.
  - c. On or about September 25, 2000, in Chesterfield County General District Court, Chesterfield, Virginia, you were convicted two (2) counts of failing to pay restitution, a misdemeanor.
  - d. On or about August 21, 2000, in Chesterfield County General District Court, Chesterfield, Virginia, you were convicted of the intent to defraud, make, draw, utter, or deliver a check in the amount of \$125.39, to USA Baby, knowing at the time there were insufficient funds in your checking account, a misdemeanor.
  - e. On or about February 17, 2000, in Chesterfield County General District Court, Chesterfield, Virginia, you were convicted not paying or having an agreement in place regarding storage of a boat or other watercraft, with the intent to defraud, a misdemeanor.
  - f. On or about December 27, 1999, in Chesterfield County General District Court, Chesterfield, Virginia, you were convicted of trespassing, a misdemeanor.
  - g. On or about July 23, 1998, On or about April 10, 2002, in Chesterfield County General District Court, Chesterfield, Virginia, you were convicted of the intent to defraud, make, draw, utter, or deliver a check in the amount of \$31.08, to COSTCO, knowing at the time there were insufficient funds in your checking account, a misdemeanor.

- h. On or about July 23, 1998, in Chesterfield County General District Court, Chesterfield, Virginia, you were convicted of issuing a worthless check in violation of 18.2-181 having an aggregate represented value of less than \$200.00, a misdemeanor.

After the conference, the conference committee is authorized to take the following actions:

1. If the committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
2. The committee may place you on probation with such terms as it may deem appropriate;
3. The committee may reprimand you;
4. The committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
5. The committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Conference Committee is of the opinion that a suspension or revocation of your license may be justified, the committee may offer you a consent order in lieu of a formal hearing.

If you fail to appear at the informal conference, the Conference Committee will proceed to hear the case in your absence, and may take any of the actions outlined above.

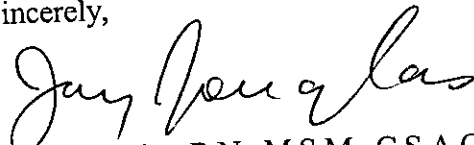
At least ten (10) days prior to the scheduled date of the conference, please inform this office of your telephone number and whether you intend to appear at the conference. This can be done by calling our offices at (804) 662-9950 or by sending us a letter at the address listed above.

You have the right to information that the Board will rely upon in making a decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee. The Committee, when discussing the allegations with you and deliberating upon your case, will consider these documents. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Please bring these documents with you.

If you have any additional documents to be presented to the Conference Committee, please bring five (5) copies of each document with you.

Also, enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws and regulations relating to the practice of nursing in Virginia that are cited in this notice.

Sincerely,



Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director

Susan Fontana, L.P.N.

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JPD/gem/dl

Enclosures

cc: Robert A. Nebiker, Director, Department of Health Professions  
James L. Banning, Director for Administrative Proceedings  
Joyce M. Shelton-Jones, Investigator (Case No. 84903)  
Committee members  
Gayle E. Miller, Senior Adjudication Analyst