

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **Lillie Nicole Dubois, R.N.**
 License Number: 0001-190376
 Expiration Date: March 31, 2017
 Case Numbers: 169032; 168923

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board of Nursing.
DATE AND TIME:	July 14, 2016 at 9:00 a.m.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Agency Subordinate will rely in making a 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 EXHIBIT:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate 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 informal conference.**

FILING DEADLINES:

1. **Deadline for filing exhibits: July 7, 2016.** Submit five copies of all documents you want the Board to consider to Sylvia Tamayo-Suijk, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. **Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Sylvia Tamayo-Suijk at the above address: July 7, 2016.** NOTE: the failure to object to exhibits does not deprive you of the right to contest their contents at the proceeding.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that:

1. At all times relevant hereto, Lillie Nicole Dubois, R.N. was licensed to practice professional nursing in the Commonwealth of Virginia.

2. Ms. Dubois violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing in that during the course of her employment with Bon Secours DePaul Medical Center, Norfolk, Virginia, on or about October 7, 2013, while providing care to Patient A and Patient A's unborn infant, Ms. Dubois failed to properly recognize and assess fetal distress in Patient A's unborn infant.

3. Ms. Dubois violated Term Number 2 of the Board's Order entered September 2, 2014 ("Board's Order"), which required her to undergo an evaluation by a mental health or chemical dependency specialist, comply with any recommendations of the specialist, and have her provider submitted written progress reports of any recommended therapy, in that Ms. Dubois failed to have her therapist timely submit the first progress report. The first progress report was due to the Board on December 31, 2014, and the Board received the progress report on March 26, 2015. Additionally, Ms. Dubois failed to have her treatment providers submit progress reports for the periods ending September 30, 2015 and December 31, 2015.

4. Ms. Dubois violated Term Number 3 of the Board's Order, which required her to submit a written report from her prescribing practitioner for any prescribed Schedule II-V controlled medication within ten days of the date the medication is prescribed, in that Ms. Dubois failed to have her prescribing practitioners submit timely written reports for several controlled medications prescribed to her between September 2014 and January 2015.

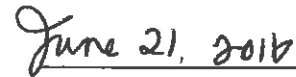
5. Ms. Dubois violated Term Number 4 of the Board's Order; which required her to submit to quarterly supervised, unannounced, random drug screens which included testing for alcohol, opiates, and sedatives, in that the drug screens conducted on or about November 18, 2014 and on or about December 15, 2014 did not include testing for alcohol and Ms. Dubois did not submit drug screen reports for the periods ending September 30, 2015 and December 31, 2015 to the Board.

6. Ms. Dubois violated Term Numbers 15 and 11 of the Board's Order, which required her to submit "self-reports" to the Board by the last day of the months of March, June, September, and December, in that Ms. Dubois did not submit the self-reports for the quarters ending December 31, 2014 and March 31, 2015 until October 2, 2015.

See Confidential Attachment I for the name of the patient referenced above.



 Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing



Date