

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LILLIE NICOLE DUBOIS, R.N.
License Number: 0001-190376
Expiration Date: March 31, 2017
Case Number: 178799

**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.
DATE AND TIME:	August 24, 2017 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, continuing 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.

INFORMAL CONFERENCE MATERIALS:

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:

Deadline for filing materials: **August 17, 2017**. Submit five copies of all documents you want the Board to consider to Melvina Baylor, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **August 17, 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 **August 17, 2017**.

STATEMENT OF ALLEGATIONS

The Board 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. By Order of the Board entered September 2, 2014, (“Board’s Order”), Ms. Dubois was placed on probation for two years of actual nursing practice, subject to terms and conditions, based on findings that she was unsafe to practice due to chemical dependency and chronic back pain.
3. By Order of the Board entered September 29, 2016, Ms. Dubois was reprimanded and continued on probation for two years of actual nursing practice, subject to the same terms and conditions as the Order entered September 2, 2014, due to findings that she failed to comply with said Order.
4. Ms. Dubois violated Virginia Code § 54.1-3007(6) and Term Nos. 2 and 11 of the Board’s Order, which required her to have her therapist submit quarterly progress reports, in that she failed to have her therapist submit reports due September 30, 2016, December 31, 2016, and March 31, 2017.
5. Ms. Dubois violated Term No. 3 of the Board’s Order, which required her to have written reports submitted from the prescribing practitioners of all Schedule II-V controlled medications that she was prescribed, in that she failed to do so. Specifically, a prescription monitoring report for the period September 29, 2016 to May 8, 2017, indicates that she obtained seven prescriptions for tramadol (C-IV); however, no reports were submitted from the prescribing practitioner.
6. Ms. Dubois violated Virginia Code § 54.1-3007(6) and Term Nos. 4 and 11 of the Board’s Order, which required her to undergo one unannounced random drug screen per quarter and submit drug screen reports, in that she failed to submit drug screen reports due September 30, 2016, December 31, 2016, and March 31, 2017.

7. Ms. Dubois violated Term No. 5 of the Board's Order, which required her to attend Alcoholics Anonymous and/or Narcotics Anonymous and/or Caduceus recovery support meetings two times per week and have written evidence of attendance submitted by a sponsor or contact person within ten days of each meeting, in that she failed to have reports submitted from September 2016 to April 2017.

8. Ms. Dubois violated Term No. 7 of the Board's Order, which required her to provide the Board with a certified copy of her final court order after completing her court-ordered probation, in that she failed to do so.

9. Ms. Dubois violated Term No. 14 of the Board's Order, which required her to provide all of her treating practitioners with a complete copy of said Order, in that she failed to do so, as evidenced by a report from one of her prescribing practitioners.

10. Ms. Dubois violated Term Nos. 15 and 11 of the Board's Order, which required her to submit quarterly self-reports, in that she failed to submit self-reports due September 30, 2016, December 31, 2016, and March 31, 2017.


SS Jodi P. Power, R.N., J.D.
Deputy Executive Director
Virginia Board of Nursing

August 3, 2017
Date