



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

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

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
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October 1, 2014

Rebecca Tolbert, L.P.N. Reinstatement Applicant
P.O. Box 155
Belle Haven, Virginia 23306

CERTIFIED MAIL
9414 7266 9904 2003 2329 95

Re: VA License No.: 0002-053554
Expiration Date: March 31, 2009

Dear Ms. Tolbert:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on October 27, 2014 at 2:00 p.m.** at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will receive and act upon your application for the reinstatement of your license to practice practical nursing in the Commonwealth of Virginia, which was suspended by an Order of the Board entered on March 7, 2008, and will inquire into allegations that you may have violated certain laws governing nursing practice in Virginia.

Specifically, you may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice nursing due to substance abuse and/or mental illness, as evidenced by the following:

1. You were dismissed from the Health Practitioners' Monitoring Program (*formerly, the Health Practitioners' Intervention Program*) in April 2008 for noncompliance with your program contract, including failure to enter and complete treatment as recommended, continued use of cocaine and alcohol, failure to submit urine toxicology screens, and failure to submit monthly reports. Your diagnoses at the time of your dismissal included alcohol dependence, cocaine dependence, and PTSD.

2. On or about February 13, 2008, in the General District Court for Accomack County, Virginia, you were convicted of driving under the influence for an offense date of December 15, 2007, where your blood alcohol content was 0.16.

3. You were discharged from the Eastern Shore Community Services Board substance abuse treatment program in February 2009 for noncompliance with treatment.

4. Although you claimed that your date of sobriety was March 2008, records from your primary care physician indicate that you continued to use alcohol in "weekend binge drinking" as late as September, 2012.

The burden rests on you to demonstrate that you are prepared to resume the safe and competent practice of practical nursing.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- The Committee may reinstate your license to practice practical nursing in the Commonwealth without restriction;
- The Committee may reinstate your license and place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate, reprimand you, or impose a monetary penalty;
- The Committee may deny your application for reinstatement of your license;

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4502, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by October 17, 2014. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the original 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.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice, can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brenda Krohn, R.N., M.S.', written in a cursive style.

Brenda Krohn, R.N., M.S.
Deputy Executive Director
Nurse Aide Registry Manager

BK/sts

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Wendy Deaner, Adjudication Specialist
Joyce Shelton-Jones, Senior Investigator (Case no. 156869)
Peggy Wood, Monitoring Program Manager