



COMMONWEALTH of VIRGINIA

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

November 21, 2006

Tammy B. Coleman, R.N.
Route 2, Box 392
Haysi, Virginia 24256

CERTIFIED MAIL
71603901984942336407

Re: License No.: 0001-134186
Expires: May 31, 2008

Dear Mrs. Coleman:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **December 13, 2006, at 10:30 a.m.**, at 6603 West Broad Street, Fifth Floor, Richmond, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing the practice of nursing in Virginia. Specifically:

1. You may have violated § 54.1-3007(2), (3), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Board of Nursing Regulations in that between on or about July 12, 2006, and July 15, 2006, during the course of your employment with Clinch Valley Medical Center, Richlands, Virginia ("Clinch Valley"), you diverted various controlled substances to include Vicodin (hydrocodone, Schedule III), Percocet (oxycodone, Schedule II), Lorcet (hydrocodone, Schedule III), and hydrocodone/APAP (Schedule III) for your own personal and unauthorized use. You accomplished the diversion by withdrawing medication from the Acudose machine for patients, and taking either a portion or the entire dose of the

withdrawn medication. In several instances, you withdrew medication for a patient when another nurse documented administration of the same medication, and in one instance you altered the MAR to document administration of a withdrawn medication despite Patient A's assertion to staff that the medication had not been administered. Moreover, you did not document the administration of the withdrawn drugs; neither did you document any wastage.

2. You may have violated § 54.1-3007(5) and (6) of the Code in that you may be unable to practice with reasonable skill or safety due to substance abuse issues. Specifically:

a. on or about November, 28, 2005, during the course of your employment with Mountain View Regional Medical Center, Norton, Virginia ("Mountain View"), when questioned regarding falsification of your time records, you stated that you were taking Lortab (hydrocodone, Schedule III), and you "did it to get more Lortab."

b. on or about July 17, 2006, during the course of your employment with Clinch Valley, you submitted to a drug screen due to suspicion of drug diversion, which revealed a positive result for methadone (Schedule II).

c. on or about August 28, 2006, you submitted to a pre-employment drug screen with Norton Community Hospital, Norton, Virginia, which revealed a positive result for hydromorphone (Schedule II), hydrocodone (Schedule III) and propoxyphene (Schedule IV).

d. on or about August 29, 2006, you submitted to a drug screen at the request of an investigator with the Department of Health Professions, which revealed a positive result for hydromorphone, hydrocodone and propoxyphene. You also later reported to the investigator that "from time to time" you take your husband's hydrocodone and Darvocet (propoxyphene, Schedule IV).

3. You may have violated §54.1-3007(2) and (3) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Board of Nursing Regulations, in that you submitted applications for employment to several different employers that contain instances of falsification. Specifically:

a. on or about January 24, 2006, on your application for employment with Clinch Valley, you stated you left your employment with Mountain View because of a lengthy travel time. However, on or about November 21, 2005, you were terminated from Mountain View for falsifying your time records.

b. on or about August 8, 2006, on your application for employment with Norton Community Hospital, when asked whether you had ever been discharged from a job or asked to resign, you stated "no." You also stated that you left your employment

with Mountain View because of a lengthy travel time. However, as referenced above, you were terminated from Mountain View.

c. on or about September 12, 2006, on your application for employment with Total Home Care, Grundy, Virginia, in the "Work History" section of the application, you were required to list your three most recent employers, starting with your current or most recent employer. However, you failed to identify your employment with Clinch Valley. You also stated that you left your employment with Mountain View because of a lengthy travel time. However, as stated above, you were terminated.

After consideration of all information, the agency subordinate may:

1. Recommend to the Board that you be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory/regulatory violation has occurred; or

2. 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 § 2.2-4019 of the Code.

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 move the case to 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. 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.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original

notice sent by certified mail, and must be claimed at the post office. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

To facilitate this proceeding, you should submit four copies of any documents you wish for the agency subordinate to consider to Gloria Mitchell, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1717, by **December 7, 2006**. Your documents may not be submitted by facsimile or e-mail.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on **December 13, 2006**. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on **December 7, 2006**. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **December 7, 2006**, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine 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.

In its deliberations, the Agency Subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 662-9909.

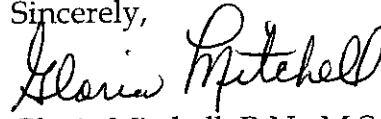
Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Intervention Program ("HPIP"), which is available to all health care practitioners licensed in Virginia. A brochure about the HPIP is enclosed. Should you enter into a written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

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 662-9948.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to

closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 662-9900.

Sincerely,

A handwritten signature in black ink that reads "Gloria Mitchell". The signature is written in a cursive style with a large initial "G".

Gloria Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

Enclosures

cc: Agency Subordinate
Sandra Whitley Ryals, Director, Department of Health Professions
Anne Joseph, Deputy Director, Administrative Proceedings Division
Amanda E. Mitchell, Adjudication Specialist
Rachel Shaw, R.N., Senior Investigator (110217)