

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:**           **BRITTANY MONEE VALLERY, L.P.N.**  
                  **a.k.a. Brittany Vallery Hernandez**  
**License Number:**           **0002-089595**  
**Issue Date:**               **August 26, 2013**  
**Expiration Date:**         **February 28, 2019**  
**Case Number:**             **173573**

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**NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing (“Board”) regarding your license to practice practical nursing in the Commonwealth of Virginia.**

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| <b>TYPE OF PROCEEDING:</b> | This is a formal administrative hearing before a panel of the Board.  |
| <b>DATE AND TIME:</b>      | <b>July 19, 2017<br/>10:00 A.M.</b>   |
| <b>PLACE:</b>              | Virginia Department of Health Professions<br>Perimeter Center - 9960 Mayland Drive<br>2 <sup>nd</sup> Floor - Virginia Conference Center<br>Henrico, Virginia 23233 |

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Suspend your license;
- Revoke your license.

### **ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the formal hearing, the Board 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 Board will rely in making its 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 EXHIBITS:**

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board 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 formal hearing.**

### **FILING DEADLINES:**

1. Deadline for filing exhibits: **July 10, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **July 12, 2017**. If no objections have been received by **July 12, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **July 14, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **July 10, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **July 12, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **July 14, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion. NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

**REQUEST FOR A CONTINUANCE:**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **July 10, 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 **July 10, 2017**.

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**STATEMENT OF ALLEGATIONS**

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The Board alleges that:

1. At all times relevant hereto, Brittany Monee Vallery, L.P.N., was licensed to practice practical nursing in the Commonwealth of Virginia.
2. Brittany Monee Vallery, L.P.N., violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”) (currently found at 18 VAC 90-19-230(A)(2)(c) and (e), effective February 24, 2017) in that between on or about April 4, 2016 and April 19, 2016, during the course of her employment with Consulate Health Care of Windsor, Windsor, Virginia, Ms. Vallery diverted narcotic medications for her personal and unauthorized use, by signing out PRN narcotic medications on the Controlled Medication Utilization Records for residents who were unable to request pain medications, as evidenced by the following:
  - a. Between on or about April 13, 2016, and April 19, 2016, Ms. Vallery signed out five oxycodone 5mg tablets (C-II) for Resident A, but failed to document administration of the medication and pain level on Resident A’s Medication Administration Record (“MAR”).
  - b. Between on or about April 4, 2016 and April 13, 2016, Ms. Vallery signed out 12 hydrocodone 5mg tablets (C-II) for Resident B, but failed to document administration of the medication and pain level on Resident B’s MAR.
  - c. Between on or about April 10, 2016 and April 19, 2016, Ms. Vallery signed out 6 ½ hydromorphone 2mg tablets (C-II) for Resident C, but failed to document administration of the medication and pain level on Resident C’s MAR.

d. Between on or about April 14, 2016 and April 15, 2016, Ms. Vallery signed out 2 hydrocodone 5mg tablets for Resident D, but failed to document administration of the medication and pain level on Resident D's MAR.

e. Between on or about April 9, 2016 and April 19, 2016, Ms. Vallery signed out 11 hydrocodone 7.5mg tablets for Resident E, but failed to document administration of the medication and pain level on Resident E's MAR.


f. Between on or about April 10, 2016 and April 15, 2016, Ms. Vallery signed out 2 hydrocodone 5mg tablets for Resident F, but failed to document administration of the medication and pain level on Resident F's MAR.

g. Between on or about April 5, 2016 and April 19, 2016, Ms. Vallery signed out 12 oxycodone 5mg tablets for Resident G, but failed to document administration of the medication and pain level on Resident G's MAR.

h. On or about April 1, 2016, Ms. Vallery signed out 1 Tramadol 50mg tablet (C-IV) for Resident H, but failed to document administration of the medication and pain level on Resident H's MAR.

3. Ms. Vallery violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(e) and (f) in that during the overnight shift on or about April 18, 2016 into April 19, 2016, Ms. Vallery failed to document her assessment of Resident I, who had suffered an unwitnessed fall, and failed to notify the oncoming shift nurse of the resident's fall.

See Confidential Attachment for the names of the residents referenced above.

  
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Sr Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

June 28, 2017  
Date