

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LUCINDA ANN BROOKE, R.N.
License Number: 0001-169506
Expiration Date: August 31, 2018
Case Numbers: 173094, 173184

**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:	June 5, 2017 at 1:00 p.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: **May 30, 2017**. Submit 5 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.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **May 30, 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 **May 30, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Lucinda Ann Brooke, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Ms. Brooke violated Term Number 4 of the Board's Order entered June 3, 2014 ("Board's Order"), which required her to submit quarterly performance evaluations, in that the performance evaluation due December 31, 2014 was received by the Board on January 13, 2015; the evaluation due March 31, 2015 was received on March 24, 2015, and the report due December 31, 2015 was received on January 12, 2016.
3. Ms. Brooke violated Term Number 6 of the Board's Order, which required her to provide a complete copy of the Board's Order to all current and future treating practitioners, in that while she received prescriptions from at least five providers between June 3, 2014 and July 6, 2016, the Compliance Division was unable to verify that she provided a complete copy of the Board's Order to these providers.
4. Ms. Brooke violated Term No. 9 of the Board's Order, which required her to comply with the laws and regulations governing the practice of nursing, as more fully set out in Allegation Number 5, below.
5. During the course of her employment with UVA Health System, Charlottesville, Virginia:
 - a. Ms. Brooke violated Virginia Code § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(f), effective February 24, 2017) ("Regulations") in that on or about March

11, 2016, she failed to perform or document pain assessments and the amount of narcotic pain medication that a patient received via the computerized ambulatory delivery device (“CADD”) pump.

b. On or about March 13, 2016:

i. She violated 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(c) and (f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(c) and (f), effective February 24, 2017) in that she removed the cartridge and primed Patient B’s CADD pump, which contained hydromorphone (C-II), three times when it was not necessary to do so, resulting in the reduction of pain medication to the patient. Further, this action resulted in the wastage of hydromorphone, but Ms. Brooke failed to have the wastage witnessed. Finally, she turned Patient B’s CADD pump off twice and also set the pump to refrain from alarming when there was air in the lines and/or when an occlusion occurred.

ii. She 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), effective February 24, 2017) in that she falsified the volume of hydromorphone in Patient B’s CADD pump, first by documenting that there was 70ml at 05:00 when there had been only 62ml at 23:48 the night before, and then by documenting that there was 100ml when previously there had been only 70ml.

iii. She violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(a) and (f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(a) and (f), effective February 24, 2017) in that she changed the dosage rate in Patient B’s CADD pump from 0.2mg/ml to rates ranging from 0mg/ml to 1mg/ml per hour, and altered Patient B’s clinical boluses and delivery limits, all without a physician’s order.

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



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

May 8, 2017
Date