

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: AMY NICOLE RICHOUBOURG, R.N. REINSTATEMENT APPLICANT
License Number: 0001-220821
Suspension Date: March 31, 2017
Case Number: 180362

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

You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing (“Board”) regarding your application for reinstatement of your license to practice professional nursing in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	July 17, 2017 2:00 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 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. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of professional nursing.
3. In considering your application, the Board will consider evidence that grounds exist to deny your application for reinstatement of your license to practice professional nursing, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
 - Approve your application and issue an unrestricted license to practice professional nursing;
 - Approve your application and issue a reprimand, a monetary penalty, and/or a restricted license subject to terms and conditions;

- Deny your application and continue your license on indefinite suspension or revoke your license.

ABSENCE OF APPLICANT AND APPLICANT'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.

APPLICANT'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.

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 NAME 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**.

OTHER IMPORTANT INFORMATION:

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF ALLEGATIONS

The Board alleges that grounds exist to refuse to reinstate the license of Amy Nicole Richbourg to practice professional nursing in that:

1. Ms. Richbourg violated Virginia Code § 54.1-3007(7), as evidenced by the following:

a. By Order entered March 1, 2017, the California Board of Registered Nursing accepted the voluntary surrender of her license to practice professional nursing in the State of California. This Order formed the basis for the mandatory suspension of her Virginia professional nursing license by the Virginia Department of Health Professions.

b. By Order entered February 13, 2015, the California Board of Registered Nursing granted her licensure to practice professional nursing in the State of California, immediately revoked the license, stayed the revocation, and placed her on probation with terms for a period of three years

c. On December 30, 2013, the California Board of Registered Nursing denied her application for licensure by endorsement to practice professional nursing in the State of California.

2. Ms. Richbourg violated § 54.1-3007(6) in that she is unsafe to practice professional nursing due to substance abuse, as evidenced by the following:

a. On or about June 25, 2009, in Radford County General District Court, Radford, Virginia, she was convicted of one count of misdemeanor driving while intoxicated. The conviction was based on an incident on or about March 3, 2009, when a blood sample drawn from Ms. Richbourg was analyzed with a blood alcohol content of 0.23/ percent.

b. On or about December 4, 2015, Ms. Richbourg underwent a mental health evaluation conducted by addiction medicine specialist Jerry D. Ayers, M.D., San Diego, California. Her diagnoses included alcohol misuse.

c. On or about January 30, 2016, while participating in the California Board of Registered Nursing Probation Program, she submitted a urine drug screen that was positive for alcohol metabolites. On or about February 9, 2016, she submitted a blood sample that was positive for phosphatidylethanol.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Richbourg's health records or health services.



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

June 30th, 2017
Date