

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DEMETRICA LASHAWN MURPHY, R.N.
License Number: 0002-078300
Expiration Date: July 31, 2018
Case Number: 173937, 173939

**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 practical nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board.
DATE AND TIME:	May 2, 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 practical nursing in the Commonwealth;
 - 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 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: **April 26, 2017**. Submit 5 copies of all documents you want the Board to consider to Melvina Baylor, 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 **April 26, 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 **April 26, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Demetrica Lashawn Murphy, R.N., was licensed to practice practical nursing in the Commonwealth of Virginia.

2. Ms. Murphy violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”) (currently found at 18 VAC 90-19-230(A)(2)(c) effective February 24, 2017) in that:

a. On or about April 24, 2016, by her own admission, Ms. Murphy stole and attempted to fill a prescription for oxycodone (C-II) that had been written for a patient of Princess Anne Health and Rehabilitation (“Princess Anne”), Virginia Beach, Virginia, Ms. Murphy’s former employer.

b. On or about December 4, 2015, she fraudulently obtained a prescription for oxycodone (C-II), for her own personal and unauthorized use, from her employer Long Term Care of Virginia, Norfolk, Virginia. The licensed nurse practitioner for Long Term Care of Virginia, whose name appeared on the prescription, denied that she wrote the prescription for Ms. Murphy, and indicated that the signature appearing on the prescription was fraudulent.

3. Ms. Murphy violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(e) effective February 24, 2017) in that on or about April 15, 2016, on an employment application with Autumn Care, Chesapeake, Virginia, she falsely stated that her reason for leaving Princess Anne was to “move toward better opportunity,” when, in fact, her employment had been terminated.

4. Ms. Murphy violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(f) effective February 24,

2017) in that during the course of her employment with Princess Anne, between May 2015 and April 2016, Ms. Murphy was cited for the following: leaving her shift early without permission and failing to return, failing to ensure that a patient's line dressing was changed according to policy, failing to reassess and monitor the status of a patient's hypotension, and failing to provide information regarding a patient's changed condition to a supervisor, including failing to chart, notify a doctor, or complete a skin sheet.



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



Date