

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DIANAH T. FARRAR, C.N.A. REINSTATEMENT APPLICANT

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Dianah T. Farrar, C.N.A., who prior to its expiration on June 30, 2002, and its suspension on April 10, 2003, held Certificate No. 1401-031409, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on July 23, 2009, at 9:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233, at which time Ms. Farrar will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Farrar has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Farrar desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Farrar's application for reinstatement of her certificate to practice as a nurse aide in Virginia, and to inquire into evidence that Ms. Farrar may have violated certain laws and regulations governing nurse aide practice in Virginia.

The burden rests upon Ms. Farrar, as the applicant to demonstrate that she is capable of resuming the safe and competent practice as a nurse aide in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Farrar's certificate requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Ms. Farrar may have violated § 54.1-3007(6) of the Code in that she may be unable to safely practice as a nurse aide in the Commonwealth due to substance abuse and mental illness, as evidence by the following:

a. On or about February 3, 2009, Ms. Farrar entered into a Participation Contract with the Health Practitioners' Monitoring Program (formerly Health Practitioners Intervention Program) where she acknowledged that she may suffer from chemical abuse and or dependency. On or about June 19, 2009, Ms. Farrar was dismissed from Health Practitioners' Monitoring Program due to her non-compliance with her participation contract.

b. See Attachment A.

c. Ms. Farrar tested positive for cocaine during a probation drug screen which resulted in a probation violation and subsequent incarceration.

2. Ms. Farrar may have violated § 54.1-3007(1) and (6) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Nurse Aides in that she provided false information on her application for reinstatement of her certificate to practice as a nurse aide received by the Board on or about April 15, 2009. Ms. Farrar answered "NO" to the question "Do you have a mental, physical, or chemical dependency condition which could interfere with your current ability to practice as a nurse aide?" when, in fact, Ms. Farrar has an extensive history of substance abuse and mental illness as specified above.

3. Ms. Farrar may have violated § 54.1-3007(4) of the Code in that as evidenced by a sentencing order dated August 12, 2003, on or about April 10, 2003, and on and about June 10, 2003, Ms. Farrar was convicted of felony possession of a controlled substance and felony failure to stop at the scene of an accident in the Charlottesville, Virginia, Circuit Court. Additionally, by sentencing order dated on or about October 14, 2008, Ms. Farrar was found in violation of her parole and was sentenced to incarceration based on these felonies and the probation violation.

FOR THE BOARD


Jay P. Douglas R.N., M.S.M., C.S.A.C.
Executive Director for the
Board of Nursing

ENTERED: July 8th, 2009