



COMMONWEALTH of VIRGINIA

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Director

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Virginia Board of Nursing
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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

August 30, 2013

Traci Colley, R.N., L.N.P.
121 Presidential Boulevard
Virginia Beach, Virginia 23452

CERTIFIED MAIL
7196 9008 9111 9192 1541

RE: VA License Nos.: 0001-133168, 0024-165103
Expiration Dates: June 30, 2015

Dear Ms. Colley:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") and the Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") will be held on **September 25, 2013, at 10:30 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-30-240 of the Regulations Governing the Licensure of Nurse Practitioners, this informal conference will be held before an agency subordinate of the Board and the Committee of the Joint Boards. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing nursing and nurse practitioner practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(5) and (6) of the Code in that during the course of your employment with Chesapeake Regional Medical Center, Chesapeake, Virginia, on or about March 11, 2013, you appeared for your shift in an impaired state, as evidenced by stumbling and staggering, smelling of alcohol, slurred speech, and pinpoint pupils.
2. You may be in violation of § 54.1-3007(6) of the Code and 18 VAC 90-30-220(5) of the Regulations Governing the Licensure of Nurse Practitioners in that you may be unable to safely practice nursing and/or as a nurse practitioner due to your admitted substance abuse and psychiatric illness.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board of Nursing, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- 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 and as a nurse practitioner 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 licenses, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for formal administrative proceedings pursuant to § 2.2-4020 of the Code.

Boards' Review of Agency Subordinate's Recommended Decisions

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 and a quorum of the Committee of the Joint Boards. The Board and the Committee of the Joint Boards may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board and/or the Committee of the Joint Boards, you have the right to a formal administrative hearing before the Board and/or the Committee of the Joint Boards.

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 and of the Committee of the Joint Boards. The Board and the Committee of the Joint Boards may accept or modify the recommendation, or reject the recommendation. The decisions of the Board and the Committee of the Joint Boards regarding the agency subordinate's recommendations are final orders that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original 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.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by September 20, 2013. Your documents may not be submitted by facsimile or email.

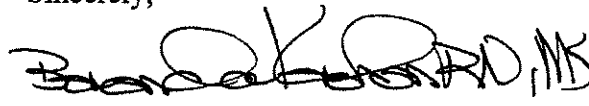
You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will

be held on September 25, 2013. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on September 20, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after September 20, 2013, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board of Nursing, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4617.

Sincerely,


S Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director

GDM/sk

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Kim Martin, Senior Investigator (Case nos. 149585, 149586)
Agency Subordinate
Peggy Wood, Monitoring Program Manager
Courtney Williams, Esq., 999 Waterside Drive, Suite 1010, Norfolk VA 23510