

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:            JASON PERSINGER, R.N.**  
**License Number:    0001-254419**  
**Expiration Date:    July 31, 2017**  
**Case Number:        173417**

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**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE  
AND STATEMENT OF ALLEGATIONS**

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**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.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before an Agency Subordinate of the Board.
<b>DATE AND TIME:</b>	January 18, 2017 at 1:00 p.m.
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> 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, 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:**

1. Deadline for filing materials: January 11, 2017. Submit 5 copies of all documents you want the Board to consider to Dawnyel Towles, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

2. Deadline for filing motions, including requests for continuance or objections to materials, in writing, to Dawnyel Towles at the above address: January 11, 2017. NOTE: the failure to object to materials does not deprive you of the right to contest their contents at the proceeding.

### **REQUEST FOR A CONTINUANCE**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **January 11, 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 **January 11, 2017**.

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**STATEMENT OF ALLEGATIONS**

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The Board alleges that:

1. At all times relevant hereto, Jason Persinger, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Mr. Persinger violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice professional nursing due to substance abuse and/or mental illness, as evidenced by the following:
  - a. On or about April 14, 2016, he was admitted to the Center for Behavioral Health at LewisGale Medical Center, Salem, Virginia, after having strong thoughts of “shooting himself in the setting of opiate abuse.” During this admission, he stated that he diverted opiates at his place of work and ingested them while on duty. His discharge diagnoses included major depression, opioid withdrawal, opioid dependency, and anxiety disorder.
  - b. On May 12, 2016, he entered into a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) in which he acknowledged that his opioid medication abuse may impair his ability to practice safely. He did not enter into a Recovery Monitoring Contract. He was urgently dismissed from the HPMP on August 18, 2016, for noncompliance, including failure to enter and complete treatment as recommended, failure to comply with the toxicology screening program, and failure to maintain contact with the HPMP.
3. Mr. Persinger violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that during the course of his employment with the Veterans Affairs Medical Center, Salem, Virginia, between January and April 2016, he diverted narcotic medications for his personal and unauthorized use.

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

  
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Ss Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.  
Deputy Executive Director  
Virginia Board of Nursing

  
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Date