

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: PENNY SAUNDERS, R.N. REINSTATEMENT APPLICANT
 LICENSE NO.: 0001-174296**

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), 54.1-2409(D), and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Penny Saunders, R.N., who, prior to its mandatory suspension by the Department of Health Professions on July 21, 2011, held License No. 0001-174296 to practice professional nursing in Virginia, 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 March 22, 2012, at 2:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Saunders will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Saunders 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. Saunders 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, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Saunders' application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Saunders may have violated certain laws and regulations governing nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Saunders, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice of professional nursing in Virginia.

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

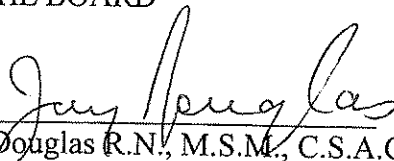
STATEMENT OF PARTICULARS

The Board alleges that:

1. Penny Saunders, R.N., may have violated § 54.1-3007(7) of the Code in that on or about June 2, 2011, the North Carolina Board of Nursing revoked Ms. Saunders' privilege to practice professional nursing in North Carolina. This action was a result of Ms. Saunders testing positive for Ativan (C-IV), for which she did not have a valid prescription, while on duty at Roxboro Nursing Center, Roxboro, North Carolina, on November 16, 2010.
2. Ms. Saunders may have violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations") in that on or about June 29, 2011, during the course of her employment with Berry Hill Health and Rehabilitation Center, South Boston, Virginia, by her own admission, Ms. Saunders removed 29 tablets of Ambien (C-IV) for her personal and unauthorized use.
3. Ms. Saunders may have violated § 54.1-3007(6) of the Code in that she may be unsafe to practice professional nursing due to her admitted abuse of narcotic medications.
4. Ms. Saunders may have violated § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations in that on her application for reinstatement of her license to practice professional nursing received by the Board on December 28, 2011, Ms. Saunders answered "NO" to the question "Do you have a mental, physical, or chemical dependency condition which could interfere with

your current ability to practice nursing?” when, in fact, Ms. Saunders admitted her abuse of narcotic medications as evidenced above, and is currently receiving treatment for her addiction.

FOR THE BOARD



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

ENTERED: February 28TH, 2012