

**BEFORE THE VIRGINIA BOARD OF NURSING AND THE COMMITTEE OF THE JOINT  
BOARDS OF NURSING AND MEDICINE**

**IN RE:           LEE CASWELL HUGHES, R.N., L.N.P.**  
**a/k/a Lee McNamee**  
**License Numbers:   0001-190366**  
**0024-169677**  
**0017-140240**  
**Expiration Date:    June 30, 2017**  
**Case Numbers:      164231, 177231**

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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”) and the Committee of the Joint Boards of Nursing and Medicine (“Committee”) regarding your license to practice as a registered nurse and a nurse practitioner in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before an Agency Subordinate of the Board of Nursing and the Committee of the Joint Boards Nursing and Medicine.
<b>DATE AND TIME:</b>	December 15, 2016 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 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 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 and Committee'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 the "Board" and a quorum of the "Committee". The "Board" or the "Committee" 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" or the "Committee", you have the right to a formal administrative hearing before the "Board" or the "Committee".

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to the "Board" and a quorum of the "Committee". The "Board" or the "Committee" may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The "Board's" and the "Committee'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: December 8, 2016. Submit 5 copies of all documents you want the "Board" and the "Committee" to consider to Sylvia Tamayo-Suijk, Board of Nursing and

Medicine, 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 Sylvia Tamayo-Suijk at the above address: December 8, 2016. 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 **December 8, 2016**, 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 **December 8, 2016**.

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**STATEMENT OF ALLEGATIONS**

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The Board of Nursing and Committee of the Joint Boards of Nursing and Medicine allege that:

1. At all times relevant hereto, Lee Caswell Hughes, R.N., L.N.P., was licensed to practice professional nursing and as a nurse practitioner in the Commonwealth of Virginia.
2. Ms. Hughes violated Virginia Code §§ 54.1-3007(2) and (5), 54.1-3303(A), and 54.1-3408(A), 18 VAC 90-30-220(3), (4) and (6) of the Regulations Governing the Licensure of Nurse Practitioners, 18 VAC 90-40-130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners, and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that:
  - a. On or about August 31, 2012 and October 1, 2012, Ms. Hughes fraudulently phoned in prescriptions to CVS pharmacy for diethylpropion HCL (C-IV), using the name of a physician friend as the prescriber, and filled them for her own personal use.
  - b. On or about January 17, 2013, Ms. Hughes, by her own admission, fraudulently phoned in a prescription for her significant other, for phentermine HCL (C-IV), and filled it for her own personal use. She refilled the medication on February 18, 2013 for her own personal use.
  - c. On or about March 12, 2013, Ms. Hughes, by her own admission, fraudulently phoned in a prescription for her significant other, for phendimetrazine tartrate (C-IV), and filled it for her own personal use.
  - d. On or about May 10, 2013, Ms. Hughes, by her own admission, fraudulently wrote a prescription to a fictitious patient for phentermine HCL, and filled it for her own personal use.
  - e. On or about June 5, 2013, Ms. Hughes, by her own admission, fraudulently wrote a prescription to a fictitious patient for diethylpropion HCL, and filled it for her own personal use.

3. Ms. Hughes violated Virginia Code §§ 54.1-2957.01(B), 54.1-3007(2) and (5), and 54.1-3303(A) and 18 VAC 90-40-121(A) and (C) of the Regulations for Prescriptive Authority for Nurse Practitioners in that:

a. On or about October 1, 2012, Ms. Hughes wrote a prescription to a friend for phentermine HCL, with two refills, for which there was no bona fide practitioner-patient relationship. Further, no medical history was obtained, no examination was conducted, and no patient record was documented.

b. On or about May 1, 2013, Ms. Hughes wrote a prescription for Fortesta (C-III) to her significant other, with whom there was no bona fide practitioner-patient relationship. Further, no medical history was obtained, no examination was conducted, and no patient record was documented.

4. Ms. Hughes violated Virginia Code § 54.1-2957.01(A) and 18 VAC 90-30-220(3) of the Regulations Governing the Licensure of Nurse Practitioners in that, by her own admission, she changed a physician's order without his permission because she disagreed with his medical judgment and plan of care.

5. Ms. Hughes violated Virginia Code § 54.1-3007(6) and 18 VAC 90-30-220(5) of the Regulations Governing the Licensure of Nurse Practitioners in that she is unsafe to practice due to amphetamine abuse.

6. Ms. Hughes violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing in that she failed to disclose her substance abuse history on her June 21, 2011 application for licensure as a nurse practitioner.



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

November 10, 2016  
Date