

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KIM S. LOWE COPELAND, R.N.
License Number: 0001-151150
Expiration Date: August 31, 2016
Case Number: 172665

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

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.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board.
DATE AND TIME:	December 1, 2016 at 1:00 p.m.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd 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: November 23, 2016. Submit five copies of all documents you want the Board to consider to Sylvia Tamayo-Suijk, 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 Sylvia Tamayo-Suijk at the above address: November 23, 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 **November 23, 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 **November 23, 2016**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

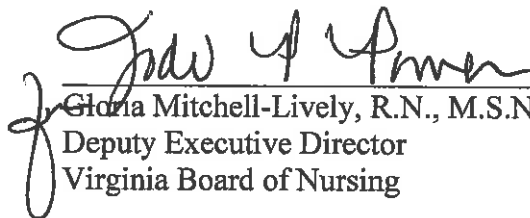
1. At all times relevant hereto, Kim S. Lowe Copeland, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Ms. Copeland violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to substance abuse and/or mental and/or physical illness, as evidenced by the following:
 - a. On or about March 3, 2016, Ms. Copeland was hospitalized at Carilion Roanoke Medical Center (“CRMH”), Roanoke, Virginia, following an overdose of Xanax, heroin, crack cocaine, methamphetamines, and marijuana.
 - b. From about March 7, 2016, to about March 9, 2016, Ms. Copeland was hospitalized in the psychiatric unit of CRMH, where her discharge diagnoses included major depressive disorder, recurrent, without psychotic features, cocaine use disorder, moderate, alcohol use disorder, severe, and benzodiazepine use disorder, moderate.
 - c. From about March 20, 2015, to about April 1, 2015, Ms. Copeland was hospitalized at Carilion St. Albans Hospital, where her discharge diagnoses included alcohol abuse/dependence, substance induced mood disorder, opiate abuse/dependence in remission, benzodiazepine abuse/dependence, and personality disorder “NOS with cluster B traits.”
 - d. By her own admission, Ms. Copeland has abused alcohol and opiates since about 2002 to deal with pain from an injury and to deal with personal challenges, smokes marijuana on a regular basis, and uses Suboxone that is not prescribed for her.
 - e. A physician’s assistant who treated Ms. Copeland on September 6, 2016, stated to an investigator for the Department of Health Professions that Ms. Copeland was not safe to practice.

f. By her own admission, Ms. Copeland was impaired by drugs when she was arrested for driving under the influence on May 4, 2016.

g. On or about May 7, 2016, Ms. Copeland was admitted to the emergency department of CRMH, where she was diagnosed with cocaine abuse, uncomplicated, and opioid abuse, uncomplicated.

3. Ms. Copeland violated Virginia Code § 54.1-3007(5) and (6) in that during the course of her employment with Salem Health and Rehabilitation Center, Salem, Virginia, on or about June 22, 2013, Ms. Copeland was observed to be asleep while on duty.

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



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

November 2, 2016
Date