

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ASHLEY NICOLE SOWERS, L.P.N.
License Number: 0002-079273
Expiration Date: April 30, 2017
Case Number: 169245

**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 practical 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 practical 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

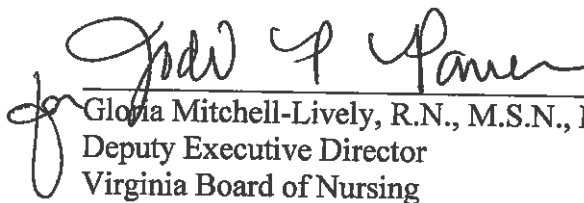
The Board alleges that:

1. At all times relevant hereto, Ashley Nicole Sowers, L.P.N., was licensed to practice practical nursing in the Commonwealth of Virginia.
2. Ms. Sowers violated Term No. 2 of the Board's Order dated February 3, 2015, ("Order"), which required her to have an evaluation by a mental health/chemical dependency specialist satisfactory to the Board and have a written report of the evaluation and recommended treatment sent to the Board within 90 days of the entry of the Board's Order, or by May 3, 2015. Ms. Sowers did not submit the name of an evaluator until about September 30, 2015, and the report was not submitted to the Board until November 12, 2015.
3. Ms. Sowers violated Term Number 3 of the Board's Order, which required her to have one supervised unannounced random drug screen every quarter from a Board approved entity. On or about March 9, 2016, Ms. Sowers provided one drug screen taken on or about January 20, 2016. No other drug screens have been provided and no entity was submitted for approval.
4. Ms. Sowers violated Term Number 4 of the Board's Order, which required her to have her probation officer provide a written report regarding the status of her probation to the Board, in that she has not done so.
5. Ms. Sowers violated Term Number 5 of the Board's Order, which required her to provide a certified true copy of her final court order to the Board, in that she has not done so.
6. Ms. Sowers violated Term Numbers 6 and 9 of the Board's Order, which required that she instruct her employer(s) to provide compliance reports, with the first report due no later than 60 days after the entry of the Board's Order, or April 3, 2015, and then quarterly by the last day of the months of March, June, September and December. Ms. Sowers has been employed by NurseFinders,

Roanoke, Virginia, since May 2006. In September 2015, she left employment with NurseFinders and began employment with Valley Wellness, Roanoke Virginia. On March 10, 2016, the Board received employment reports due September 30, 2015, and December 31, 2015. No other employment reports have been received.

7. Ms. Sowers violated Term Number 7 of the Board's Order, which required her to provide the Board with evidence that she has completed two NCSBN online courses within 60 days of the entry of the Board's Order, in that she has not done so.

8. Ms. Sowers violated Term Number 8 of the Board's Order, which required her to return all copies of her license to the Board office within ten days of the entry of the Order along with payment of a duplicate license fee, in that she has not done so.



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

November 2, 2016
Date