



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
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Virginia Board of Nursing
Jay P. Douglas, RN, MSM, CSAC
Executive Director
Lori Ann Miller, R.N.
241 Chelsea Drive
Warrenton, Virginia 20186-2840

March 17, 2005

Board of Nursing (804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9512

CERTIFIED MAIL
7160 3901 9848 3154 2445

RE: License No.: 0001-150855 - Expires April 30, 2006

Dear Ms. Miller:

This is official notification that an Informal Conference will be held, pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), on April 11, 2005, at 10:30 a.m., in the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia. You may be represented by an attorney at the Informal Conference.

The Special Conference Committee, which is comprised of two or three members of the Virginia Board of Nursing, will inquire into allegations that:

1. You may have violated § 54.1-3007(6) of the Code, in that:
 - a. During the course of your employment at Fauquier Hospital, Warrenton, Virginia, on or about April 22, 2004, you reported to your supervisor that you felt you had a problem with narcotics, and that you needed help. You were placed on unpaid leave until you were prepared to return to work. However, during your leave of absence, you began to call coworkers at the hospital and at least one coworker at her home, making inquiries about obtaining prescriptions for narcotic painkillers. As a result, on November 30, 2004, the hospital terminated your employment for disruptive behavior and your failure to comply with the Health Practitioners' Intervention Program.
 - b. You entered a Participation Contract with the Health Practitioners' Intervention Program ("HPIP") on May 17, 2004, and entered a Recovery Monitoring Contract on July 28, 2004. The HPIP sent you a revised Recovery Monitoring Contract, which you failed to sign. You resigned from the HPIP by a letter sent by facsimile to the HPIP on November 8, 2004. The HPIP dismissed you from the program by letter dated December 10, 2004. While in the HPIP, you submitted seven (7) positive urine drug screens, as detailed below:
 - i. On July 26, 2004, you tested positive for butabital, a Schedule III controlled substance, propoxyphene, a Schedule IV controlled substance, and hydrocodone, a Schedule III controlled substance. At the time, you

had a valid prescription for hydrocodone.

- ii. On August 4, 2004, you tested positive for propoxyphene.
- iii. On October 20, 2004, you tested positive for tramadol, a Schedule VI controlled substance.
- iv. On October 21, 2004, you tested positive for tramadol.
- v. On October 30, 2004, you tested positive for propoxyphene.
- vi. On November 2, 2004, you tested positive for codeine, a Schedule III controlled substance.
- vii. On November 3, 2004, you tested positive for propoxyphene.

You also submitted seven (7) negative urine drug screens, of which two were diluted.

- b. On October 6, 2004, you entered intensive outpatient treatment at Prince William Hospital. You were administratively dismissed from the program on November 6, 2004, after four (4) positive urine drug screens, detailed at (a)(iv-vii), above.
- c. Between January 26, 2004 and December 17, 2004, you received approximately 42 prescriptions for approximately 1,324 dosage units of narcotic painkillers from approximately 20 different physicians.
- d. You have diagnoses of opioid dependence and depression.

After the conference, the conference committee is authorized to take the following actions:

- 1. If the committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- 2. The committee may place you on probation with such terms as it may deem appropriate;
- 3. The committee may reprimand you;
- 4. The committee may modify a previous Order;
- 5. The committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
- 6. The committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Conference Committee is of the opinion that a suspension or revocation of your license may be justified, the committee may offer you a consent order in lieu of a formal hearing.

If you fail to appear at the informal conference, the Conference Committee will proceed to hear the case in your absence, and may take any of the actions outlined above.

At least ten (10) days prior to the scheduled date of the conference, please inform this office of your telephone number and whether you intend to appear at the conference. This can be done by calling our offices at

(804) 662-9950 or by sending us a letter at the address listed above.

You have the right to information that the Board will rely upon in making a decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee. The Committee, when discussing the allegations with you and deliberating upon your case, will consider these documents. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Please bring these documents with you.

If you have any additional documents to be presented to the Conference Committee, please bring five (5) copies of each document with you.

Also, enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws and regulations relating to the practice of nursing in Virginia that are cited in this notice.

Sincerely,



Susan Bell Rosen, R.N., F.N.P., J.D.
Deputy Executive Director, Discipline

Enclosures

cc: Robert A. Nebiker, Director, Department of Health Professions
James L. Banning, Director Administrative Proceedings Division
Committee members
Allan McDonald, Investigator (96772/100401)
John K. Dickinson, Adjudication Specialist
Peggy Call, Intervention Program Manager