



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

June 21, 2005

Board of Nursing (804) 662-9909
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Lori Ann Miller, R.N.
10811 Lord Chancellor Lane
Bealeton, Virginia 22712

CERTIFIED MAIL
71603901984887244928

RE: Notice of Formal Hearing
July 21, 2005 at 9:00 a.m.

Dear Ms. Miller:

Enclosed please find a Notice of Hearing which is scheduled for **July 21, 2005 at 9:00 a.m.** at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. Arrangements should be made for you to be there a half hour early.

You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. Should you wish to subpoena witnesses, requests for subpoenas must be made in writing in accordance with the enclosed Instructions for Requesting Subpoenas.

You have the right to have a copy of the investigative report and supporting documents which may be used as evidence at your hearing. Please be advised that these documents have been forwarded to you under same cover via certified mail.

Prior to the hearing, it is the Board's intention to distribute these documents to the members of the Board who will conduct the hearing. If you have any objections to the materials, please contact Rachel Welch, Adjudication Specialist at (804) 662-7442 before **July 9, 2005**. If you do not object to this proposed distribution before **July 9, 2005**, the Board will assume that you have no objection to the Board member's prior review of the documents. Failure to object to the distribution prior to the hearing will not affect your right to contest any information contained in these documents at the hearing.

Further, to facilitate this hearing, the Board requests that you provide to Rachel Welch, Adjudication Specialist Administrative Proceedings Division, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia 23230, **fifteen (15) copies** of any documents you intend to introduce into evidence at least (10) business days before the hearing.

Board of Audiology & Speech - Language Pathology - Board of Dentistry - Board of Funeral Directors & Embalmers - Board of Medicine - Board of Nursing
Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine
Board of Health Professions

Lori Ann Miller, R.N.

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Please advise us whether or not you plan to be present for the hearing no later than July 15, 2005. If you should have any questions, please contact us at the above number.

Sincerely,



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

Enclosures

cc: Members, Board of Nursing
Robert A. Nebiker, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Clay Garrett, Assistant Attorney General
Rachel Welch, Adjudication Specialist, Administrative Proceedings Division
Allan McDonald, Investigator, Division of Enforcement (Case No. 96772/100401)
Ann L. Tiller, Compliance Manager
Peggy W. Call, Intervention Program Manager
Tijwana Simmons, Legal Assistant, Office of the Attorney General

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

LORI ANN MILLER, R.N.

NOTICE OF HEARING

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended, Lori Ann Miller, R.N., who holds License No. 0001-150855, which expires on April 30, 2006, is hereby given notice that, pursuant to § 2.2-4024 F, a formal administrative hearing will be held in the presence of a quorum of the Board of Nursing ("the Board"). The hearing will be held on July 21, 2005, at 9:00 a.m., at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia, at which time Ms. Miller will be afforded the opportunity to be heard in person or by counsel.

At the hearing Ms. Miller 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. Miller desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon evidence that Ms. Miller may have violated certain laws and regulations governing the practice of nursing in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Ms. Miller may have violated § 54.1-3007(6) of the Code, in that:
 - a. During the course of her employment at Fauquier Hospital, Warrenton, Virginia, on or about April 22, 2004, she reported to her supervisor that she felt she had a problem with narcotics, and that she needed help. Ms. Miller was placed on unpaid leave until she was prepared to return to work. However, during her leave of absence, she 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 Ms. Miller's employment for disruptive behavior and failure to comply with the Health Practitioners' Intervention Program.
 - b. Ms. Miller 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. HPIP dismissed Ms. Miller from the program by letter dated December 10, 2004. While in the HPIP, Ms. Miller submitted seven (7) positive urine drug screens, as detailed below:
 - i. On July 26, 2004, she 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, she had a valid prescription for hydrocodone.
 - ii. On August 4, 2004, she tested positive for propoxyphene.
 - iii. On October 20, 2004, she tested positive for tramadol, a Schedule VI


controlled substance.

- iv. On October 21, 2004, she tested positive for tramadol.
- v. On October 30, 2004, she tested positive for propoxyphene.
- vi. On November 2, 2004, she tested positive for codeine, a Schedule III controlled substance.
- vii. On November 3, 2004, she tested positive for propoxyphene.

Additionally, Ms. Miller also submitted two (2) diluted urine drug screens during the course of her participation in HPIP.

- c. By her own admission, on October 6, 2004, Ms. Miller entered intensive outpatient treatment at Prince William Hospital. She was administratively dismissed from the health practitioner's intervention program on November 6, 2004, after four (4) positive urine drug screens, detailed at (a)(iv-vii), above.
- d. Between January 26, 2004 and December 17, 2004, Ms. Miller received approximately 42 prescriptions for approximately 1,324 dosage units of narcotic painkillers from approximately 20 different physicians.

FOR THE BOARD


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

ENTERED: June 21ST, 2005