



COMMONWEALTH of VIRGINIA

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

March 13, 2007

Edwin Rodriguez, L.P.N. Applicant
Norfolk, VA 23503
779 West Ocean View

CERTIFIED MAIL
71603901984942362949

Dear Mr. Rodriguez:

This letter is official notification that an informal conference of the Virginia Board of Nursing will be held on **April 17, 2007, at 1:00 p.m.**, at 6603 West Broad Street, Fifth Floor, Richmond, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will receive and act upon your application for licensure by examination as a practical nurse and will inquire into allegations that you may have violated certain laws and regulations governing the practice of nursing in Virginia.

Specifically, you may have violated § 54.1-3007(4) of the Code in that on November 19, 2002, in the Circuit Court for the City of Virginia Beach, Virginia, you were convicted of the felony offense of Manufacture, Sell, Distribute or Possess a Controlled Substance with Intent to Manufacture, Sell or Distribute. You were sentenced to five years incarceration, with all but one suspended.

The burden rests on you, as the applicant, to demonstrate that you meet the requirements of § 54.1-3020 of the Code.

After consideration of all information, the agency subordinate may:

1. Approve your application for licensure by examination; or
2. Recommend to the Board that your application be approved with a reprimand, a monetary penalty, or terms and conditions, which may include placing you on probation; or

3. Recommend to the Board that your application be denied; or
4. Refer the matter to a formal hearing of the Board.

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 move the case to 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. 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.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclosed a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office.

To facilitate this proceeding, you should submit **four (4)** copies of any documents you wish for the agency subordinate to consider to Gloria Mitchell, at the Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, by **April 12, 2007**. Your documents may not be submitted by facsimile or e-mail.

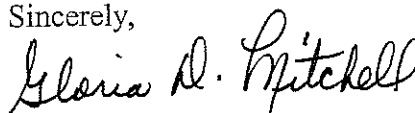
You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on **April 17, 2007**. A request to continue this proceeding must state in detail the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by **5:00 p.m. on April 12, 2007**. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **April 12, 2007**, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

In its deliberations, the Agency Subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 662-9909.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office at (804) 662-9948.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions
Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Agency Subordinate