

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LISA ANN DAVIS, L.P.N. REINSTATEMENT APPLICANT
License Number: 0002-053555
Suspension Date: June 10, 2009
Case Number: 176025

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a formal hearing has been scheduled before the Board of Nursing (“Board”) regarding your application for reinstatement of your license to practice practical nursing in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	November 14, 2016 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 formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. The burden rests on you, as the applicant, to demonstrate that you are able to resume the safe and competent practice of nursing.
3. In considering your application, the Board will consider evidence that grounds may exist to deny your application for reinstatement of your license to practice practical nursing, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
 - Approve your application and issue an unrestricted license to practice practical nursing;
 - Approve your application and issue a restricted license subject to terms and conditions;

- Deny your application and continue your license on indefinite suspension or revoke your license.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board 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 Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board 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 formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: November 7, 2016. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **November 7, 2016**. If no objections have been received by **November 7, 2016**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **November 7, 2016**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: November 7, 2016. **NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.**

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **November 7, 2016**. If you have not filed any objections by November 7, 2016, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. If you do

file objections, the Commonwealth has until **November 7, 2016**, to file a response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

OTHER PRE-HEARING MOTIONS

If you or the Adjudication Specialist desire to make any pre-hearing motions regarding matters other than the exhibits, including offers of settlement, each of you is directed to file motions, in writing, addressed to Darlene Graham at the Board office by **November 7, 2016**. Responses to motions filed must be submitted by **November 7, 2016**. The Chair of the proceeding will rule on the motion.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **November 7, 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 7, 2016**.

OTHER IMPORTANT INFORMATION:

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF ALLEGATIONS

The Board alleges that grounds exist to refuse to issue a license to Lisa Ann Davis, L.P.N., Reinstatement Applicant, to practice practical nursing in that:

1. Ms. Davis violated Virginia Code §54.1-3007(4), as evidenced by the following:

a. On March 25, 2009, in the Circuit Court of the City of Danville, Virginia, Ms. Davis was convicted of five counts of felony obtaining drugs by fraud. Pursuant to Virginia Code §54.1-2409, this conviction formed the basis for the mandatory suspension of her license by Order of the Department of Health Professions entered June 10, 2009.

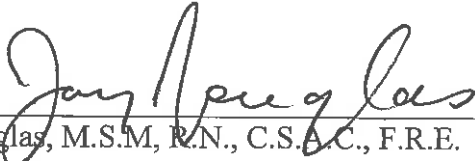
b. On June 24, 2008, in the General District Court of Pittsylvania County, Virginia, Ms. Davis was convicted of two counts of misdemeanor bad check larceny, crimes of moral turpitude.

2. Ms. Davis violated Virginia Code §54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing, in that, during the course of her employment with the Office of Drs. Wentz and Manry, P.C., between about August 2008 and September 2008, Ms. Davis diverted controlled medications for her own personal and unauthorized use, as evidenced by the following:

a. On or about September 15, 2008, Ms. Davis fraudulently phoned in a prescription for Lorcet 10/650 (C-II) and a prescription for Valium (C-IV) to WalMart pharmacy for her family member. The prescriptions were not authorized by Drs. Wentz or Manrey.

b. On or about September 12, 2008, Ms. Davis fraudulently phoned in prescriptions for Valium and Lorcet 10/650 to CVS pharmacy for her family member. The prescriptions were not authorized by Drs. Wentz or Manrey.

c. On or about August 4, 2008, Ms. Davis fraudulently phoned in a prescription for Lorcet 10/650 to CVS pharmacy for her family member. The prescription was not authorized by Drs. Wentz or Manrey.



Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing



Date