

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JENNIFER SHERRELL BELL, L.P.N.
License Number: 0002-083320
Issue Date: September 9, 2010
Expiration Date: July 31, 2018
Case Number: 170373

**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 license to practice practical nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	November 14, 2016 2:00 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. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Suspend your license;
- 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.

***MATERIALS/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: October 31, 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.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: October 31, 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: **October 31, 2016. If you have not filed any objections by October 31, 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 **October 31, 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.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **October 31, 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 **October 31, 2016**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Jennifer Sherrell Bell, L.P.N., was licensed to practice practical nursing in the Commonwealth of Virginia.
2. Ms. Bell violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice practical nursing due to substance abuse and physical and/or mental illness, as evidenced by the following:
 - a. On or about August 20, 2012, in the General District Court of Chesterfield County, Virginia, Ms. Bell was convicted of driving while intoxicated, first offense.
 - b. On or about May 3, 2013, Ms. Bell entered the Health Practitioners' Monitoring Program ("HPMP") due to alcohol abuse and mental illness. On or about October 21, 2015, she was dismissed from the program due to noncompliance with the toxicology screening program, which included testing positive for alcohol on or about February 9 and October 1, 2015.
 - c. On or about December 26, 2013, Ms. Bell underwent a neuropsychological evaluation and was diagnosed with memory impairment. Further, the evaluator reported that it was unclear if Ms. Bell would be able to successfully return to nursing practice.
 - d. On or about October 6, 2015, Ms. Bell's counselor at the Chesterfield Community Services Board declined to write her a letter releasing her to work in healthcare and recommended that Ms. Bell continue with her treatment and medications and more closely address her substance abuse recovery.
 - e. On or about January 26, 2016, during an interview with an investigator from the Department of Health Professions, Ms. Bell's psychiatrist reported that Ms. Bell was told to refrain from nursing practice due to her mental health.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Bell's health records or health services.



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

October 20th, 2016

Date