



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

NOTICE OF INFORMAL CONFERENCE

January 12, 2016

Marla R. Depriest-Hubbard, L.P.N.
9726 Narrow Passage Road
Eagle Rock, VA 24085

CERTIFIED MAIL
9414 7266 9904 2028 4607 31

Re: VA License No.: 0002-074752
Expiration Date: July 31, 2017

Dear Ms. Depriest-Hubbard:

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 **February 9, 2016, at 2:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will inquire into allegations that you may have violated certain laws and regulations governing practical nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations") in that, during the course of your employment with Golden Living Center- Alleghany, Clifton Forge, Virginia, you diverted controlled substances from residents, as evidenced by the following:

a. On or about May 27, 2015, at 5:00 p.m., you withdrew one tablet of Klonopin 0.25mg (clonazepam, C-IV) for Resident A, but failed to document its wastage or administration.

b. On or about May 27, 2015 at 6:30 p.m., you withdrew one tablet of Norco 5/325mg (hydrocodone/ acetaminophen, C-II) for Resident B, but failed to document its wastage or administration.

c. On or about May 10, 2015 at 11:00 a.m., you withdrew one tablet of Ativan 1mg (lorazepam, C-IV) for Resident C, but failed to document its wastage or administration.

d. On or about May 27, 2015 at 9:00 p.m., you withdrew one tablet of Norco 5/325mg for Resident D, but failed to document its wastage or administration.

2. You may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that:

a. On your application for employment with Golden Living Center- Alleghany dated April 24, 2015:

i. You wrote that your reason for leaving employment with Carrington Place at Botetourt, Daleville, Virginia ("Carrington Place"), was "different opportunity came available." In fact, your employment with Carrington Place was terminated on or about May 20, 2013 due to insubordination. Further, you represented that you began employment with Carrington Place in 2007. In fact, you were hired on or about October 2, 2008.

ii. You failed to disclose previous employment with Kissito Health Care, Hot Springs, Virginia, from on or about May 22, 2013 through June 20, 2013, Pheasant Ridge Nursing and Rehabilitation, Roanoke, Virginia ("Pheasant Ridge") from on or about August 19, 2013 through December 2, 2013, and Our Lady of the Valley Retirement Community, Roanoke, Virginia ("Our Lady of the Valley"), from on or about December 12, 2013 through January 1, 2014. Your employment was terminated from all three facilities.

b. On your application for employment with Kissito Health Care dated May 20, 2013, you failed to disclose your reason for leaving employment with Carrington Place.

c. On your application for employment with Pheasant Ridge dated June 24, 2013, you failed to disclose your reason for leaving employment with Carrington Place and you failed to disclose your previous employment with Kissito Health Care.

d. On your application for employment with Our Lady of the Valley dated December 3, 2013, you wrote that your reason for leaving employment with Carrington Place was "mother got ill." In fact, your employment with Carrington Place was terminated. Further, you failed to disclose your previous employment with Kissito Health Care and Pheasant Ridge.

Please see Attachment I for the names of the residents referred to above.

In its deliberations, the Committee 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) 367-4515.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners

licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- 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 practical nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you; or
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by February 4, 2016. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

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 the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded

announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,


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

GML/mrb

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Amy E. Weiss, Adjudication Specialist
James Wall, Senior Investigator (Case no. 163666)