

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **Laura Gaskin Banks, R.N.**
 License Number: 0001-092760
 Expiration Date: March 31, 2018
 Case Number: 171053

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing (“Board”) regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board of Nursing.
DATE AND TIME:	August 2, 2016 at 10:30 a.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 informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your professional nursing license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

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 refer the case to a 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 and refer the case to a formal hearing. 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.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate 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 Agency Subordinate will rely in making a 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 EXHIBIT:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate 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 informal conference.**

FILING DEADLINES:

1. Deadline for filing exhibits: July 26, 2016. Submit five copies of all documents you want the Board to consider to Dawnyel Towles, 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 Dawnyel Towles at the above address: July 26, 2016. NOTE: the failure to object to exhibits does not deprive you of the right to contest their contents at the proceeding.

STATEMENT OF ALLEGATIONS


The Board of Nursing alleges that:

1. At all times relevant hereto, Laura Gaskin Banks, R.N. was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Ms. Banks violated Virginia Code § 54.1-3007(5) and (6) in that during the course of her employment with the Sentara Virginia Beach General Hospital (“SVBGH”), Virginia Beach, Virginia, on or about November 30, 2015, Ms. Banks went to work after consuming alcohol. Several SVBGH employees observed that Ms. Banks was impaired, noting that she had reddened eyes, slurred and mumbled speech, and a quiet and anxious affect. Ms. Banks was removed from the unit for blood alcohol testing. The test resulted in a blood alcohol content of .141.
3. Ms. Banks violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to alcohol abuse, as evidenced by the following:
 - a. Ms. Banks entered into a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) on January 6, 2016, acknowledging her alcohol abuse. On March 24, 2016, Ms. Banks was dismissed from the HPMP for failing to enter treatment as recommended, and failing to maintain communication with the HPMP.
 - b. From November 5, 2015 to November 9, 2015, Ms. Banks voluntarily admitted herself to Virginia Beach Psychiatric Center for alcohol detoxification. Her discharge diagnosis included a principal diagnosis of alcohol dependence and secondary diagnoses including alcohol withdrawal; major depressive affective disorder, recurrent, moderate; substance-induced mood disorder-depressed; and alcohol induced hepatitis.

c. From July 10, 2014 to July 14, 2014, Ms. Banks voluntarily admitted herself to Virginia Beach Psychiatric Center for alcohol dependence. Her discharge diagnosis included a principal diagnosis of alcohol dependence, continuous, with detox.

d. From December 22, 2014 to December 26, 2014, Ms. Banks voluntarily admitted herself to Virginia Beach Psychiatric Center for alcohol abuse. Her discharge diagnosis included a principal diagnosis of alcohol use disorder, severe, continuous, and secondary diagnoses of alcohol withdrawal and substance mood disorder, depressed. Ms. Banks then entered the Virginia Beach Psychiatric Center Partial Hospitalization Program from December 29, 2014 to January 9, 2015. Her discharge diagnosis included a principal diagnosis of alcohol withdrawal, and secondary diagnoses of alcohol use disorder, continuous, severe; alcohol withdrawals; mood disorder not otherwise specified; and depressed.

e. On or about June 18, 2012, in the General District Court for the City of Virginia Beach, Virginia, Ms. Banks was convicted of driving under the influence, a class 1 misdemeanor.


Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing

July 8, 2016
Date