

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **Elizabeth Marie Wells, R.N.**
 License Number: 0001-200129
 Expiration Date: August 31, 2017
 Case Number: 171578

**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:	July 7, 2016 at 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 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 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.

DEFAULT:

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: June 30, 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: June 30, 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, Elizabeth Marie Wells, R.N. was licensed to practice professional nursing in the Commonwealth of Virginia.
2. During the course of her employment with Heritage Hall, Clintwood, Virginia, Ms. Wells violated Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) in that she diverted narcotics for her personal and unauthorized use, as evidenced by the following:
 - a. On or about December 4, 2015, at the beginning of the 7a.m. to 3p.m. shift, the oxycodone (C-II) count for Resident A was 24 tablets. Even though the count sheet was not completely full, Ms. Wells started a new count sheet and indicated that at 8a.m. on the same date, the oxycodone count was 19 tablets after she administered one dose, which left four tablets unaccounted for.
 - b. On or about December 7, 2015, at the beginning of the 7a.m. to 3p.m. shift, the oxycodone count for Resident B was 25 tablets. Even though the count sheet was not completely full, Ms. Wells started a new count sheet and indicated that at 8a.m. on the same date, the oxycodone count was 22 tablets after she administered one dose, which left two tablets unaccounted for.
 - c. On or about December 11, 2015, Ms. Wells was asked to provide a drug screen and she admitted that the screen would be positive for marijuana, as well as drugs that she did not have a prescription for.
3. Ms. Wells violated Virginia Code § 54.1-3007(6) in that:
 - a. On or about December 27, 2015, Ms. Wells entered substance abuse treatment at The Life Center of Galax and admitted to daily use of morphine for the past seven years, daily use of Lortab (hydrocodone, C-II) and weekly use of marijuana.

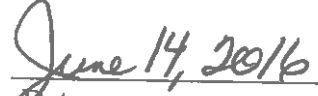
b. On a drug screen conducted by The Life Center of Galax on or about December 28, 2015, Ms. Wells tested positive for opiates and cannabinoid.

c. On or about January 26, 2016, Ms. Wells entered substance abuse treatment at Watauga Recovery Center, Johnson City, Tennessee, and admitted that her drug of choice was oxycodone (C-II). She also admitted to using morphine, hydrocodone, marijuana, Xanax (alprazolam, C-IV) and Klonopin (clonazepam, C-IV). On or about February 2, 2016, Ms. Wells tested positive for tetrahydrocannabinol and on or about March 1, 2016, she tested positive for clonazepam.

See Confidential Attachment I for the names of the residents referenced above.



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



Date