

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: Donna Marie M. Palacios, R.N.
License Number: 0001-139835
Expiration Date: June 30, 2017
Case Number: 170558

**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 14, 2016 at 9:00 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 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 7, 2016. Submit five copies of all documents you want the Board to consider to Sylvia Tamayo-Suijk, 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 Sylvia Tamayo-Suijk at the above address: July 7, 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, Donna Marie M. Palacioz, R.N. was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Ms. Palacioz violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (“Regulations”) in that during the course of her employment with Chesapeake Regional Medical Center, Chesapeake, Virginia, she made multiple errors involving the administration of narcotic medications, as evidenced by the following:
 - a. On or about September 23, 2015, Ms. Palacioz documented withdrawal of oxycodone (C-II) 5mg for Patient B at 8:55 p.m., but she failed to document administration or wastage.
 - b. On or about September 27, 2015, Ms. Palacioz documented withdrawal of Dilaudid (hydromorphone, C-II) 1mg to Patient A at 8:27 p.m., but she failed to document administration or wastage.
 - c. On or about September 27, 2015, Ms. Palacioz documented withdrawal of morphine (C-II) 15mg at 8:11 p.m. for Patient C, but she failed to document administration or wastage.
3. Ms. Palacioz violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that, during the course of her employment with Chesapeake Regional Medical Center, on or about October 2, 2015, Ms. Palacioz administered morphine 4mg to Patient D by injecting it into his right deltoid, when patient D’s physician order called for intravenous administration.
4. Ms. Palacioz violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations, in that, on her application for employment with Chesapeake Regional Medical Center dated April 30, 2015, Ms. Palacioz wrote that her reason for leaving employment with Sentara Obici

Hospital, Suffolk, Virginia was “lack of managerial direction and desire to return to bedside nursing,” and she falsely answered “no” to two questions asking if she had ever been discharged or involuntarily terminated from an employment position. In fact, Ms. Palacios’s employment with Sentara Obici Hospital was terminated on or about March 16, 2015 for multiple patient care and practice issues.

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

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

June 21, 2016
Date