

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **Incilay Iclal Manley, L.P.N.**
License Number: **0002-091237**
Expiration Date: **June 30, 2017**
Case Number: **169543**

**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 practical 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:	May 26, 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 practical 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: May 19, 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: May 19, 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, Incilay Iclal Manley, L.P.N. was licensed to practice practical nursing in the Commonwealth of Virginia.

2. Ms. Manley violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Regulations Governing the Practice of Nursing in that during the course of her employment with Patriots Colony at Williamsburg, Williamsburg, Virginia:

a. On or about August 25, 2015, Ms. Manley removed two oxycodone hydrochloride 5 mg (C-II) from Resident A's supply, but failed to document administration or wastage of the medication in the resident's records.

b. Between August 8, 2015, and August 25, 2015, Ms. Manley documented administering/hydrocodone apap 5/325mg (C-II) to Resident B on the Controlled Medication Reconciliation Sheet ten times, but failed to document the administration of the narcotic and the resident's pain level in the Medication Administration Record ("MAR").

c. On or about August 17, 2015, Ms. Manley documented in Resident B's Daily Nursing Assessment that the resident had pain level of 3/10. On or about August 21, 2015, Ms. Manley documented that the resident reported no pain, but Ms. Manley documented that she administered the PRN hydrocodone to the resident both days, counter to the physician's order to administer the medication if the resident's pain level was between 4 and 6 on a 10-point scale.

d. Between on or about July 1, 2015 and July 8, 2015, Ms. Manley documented that she administered hydrocodone 5/325 mg to Resident C nine times, but failed to document the administration in the resident's MAR and failed to document the resident's pain level on the Nurse's Medication Notes.

e. Between on or about June 30, 2015, and July 13, 2015, on multiple occasions Ms. Manley documented that she administered oxycodone to Resident D, and documented his pain scale in the Daily Nursing Assessment, but documented the resident's pain as 0/10 on the MAR.

f. Between on or about June 30, 2015, and July 24, 2015, Ms. Manley documented on the Controlled Medication Reconciliation Sheet that she administered oxycodone to Resident E, but failed to document the administration and pain levels on the resident's MAR.

g. Between on or about August 9, 2015, and August 10, 2015, Ms. Manley documented on the Controlled Medication Reconciliation Sheet that she administered oxycodone to Resident F, but failed to document the administration and the resident's pain level on the MAR.

h. Between on or about June 9, 2015 and June 15, 2015, Ms. Manley documented on Resident G's Controlled Medication Reconciliation Sheet that she administered oxycodone to the resident, but failed to document the administration and pain level on the MAR.

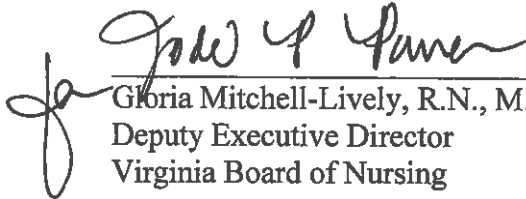
i. On or about July 21, 2015, Ms. Manley documented in the Controlled Medication Reconciliation Sheets that she administered hydrocodone/apap to Resident H, but failed to document the administration and pain level on the MAR.

j. On or about June 3, 2015, June 14, 2015, and June 15, 2015, Ms. Manley documented in the Controlled Medication Reconciliation Sheet that she administered tramadol to Resident I, but failed to document the administration in the resident's MAR.

k. On or about June 22, 2015, and June 23, 2015, Ms. Manley documented in the Controlled Medication Reconciliation Sheet that she administered hydromorphone 2 mg (Dilaudid, C-II) to Resident I, but failed to document the administration and pain level on the MAR.

1. On or about June 5, 2015, Ms. Manley documented in the Controlled Medication Reconciliation Sheet that she administered hydrocodone/apap to Resident J, but failed to document the administration and pain level on the MAR.

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

May 3, 2016
Date