



# 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, RN, MSM, CSAC  
Executive Director

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

## NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

July 17, 2014

Amber R. Hendricks, R.N.  
264 Sherwood Drive  
Waynesboro, VA 22980

**CERTIFIED MAIL**  
**7196 9008 9111 9196 9437**

**RE: VA License No.: 0001-198247**  
**Expiration Date: March 31, 2014**

Dear Ms. Hendricks:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **August 13, 2014, at 2:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing professional nursing practice in Virginia and will inquire into allegations that you may be in violation of an Order of the Board entered December 18, 2012 ("Board's Order").

Specifically:

1. You may have violated § 54.1-3007(2), (3), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that, during the course of your employment at Envoy of Staunton, Virginia, by your own admission, on or about December 17, 2013, you diverted 50ml of oxycodone (Schedule II) from a bottle prescribed to a resident and replaced it with an over-the-counter cough syrup, with the intent to sell the medication.

2. You may have violated § 54.1-3007(4) of the Code in that on or about May 16, 2014, in the General District Court of Staunton, Virginia, you were convicted of petit larceny, as a result of the theft from Envoy of Staunton.

3. You may be in violation of Term No. 2 of the Board's Order, which required you to inform the Board in writing within ten days of any interruption in your nursing practice, in that you failed to notify the Board of your termination from Envoy of Staunton.

4. You may be in violation of Term No. 4 of the Board's Order, which required you to submit quarterly performance evaluations, in that you failed to submit the evaluation due December 31, 2013.

5. You may be in violation of Term No. 7 of the Board's Order, which required you to submit a written report from the prescribing practitioner for any Schedule II-V controlled medication, in that you failed to submit reports for hydrocodone and methadone prescriptions.

6. You may be in violation of Term No. 8 of the Board's Order, which required you to undergo two supervised, unannounced random drug screens a month which include testing for alcohol, oxycodone and methadone and one unannounced random drug screen a quarter that tests for fentanyl, in that you failed to submit reports due September 30, 2013, and December 31, 2013. Further, on or about March 17, 2014, you reported to the Compliance Case Manager that you stopped going to Addiction Recovery Systems and that your last drug screen was in January 2014.

7. You may be in violation of Term No. 9 of the Board's Order, which required you to attend Alcoholics Anonymous/Narcotics Anonymous support group meetings once a week and provide written evidence of attendance by a sponsor or contact person to the Board quarterly, in that you failed to submit the reports that were due February 16, 2013 and December 31, 2013, and you failed to attend a support group meeting the week of March 17, 2013. Further, on or about November 13, 2013, an individual reported that you were not attending support group meetings and had been forging his name on the attendance logs.

8. You may be in violation of Term No. 10 of the Board's Order, which required you to provide all current and future treating practitioners with a copy of the Order, in that you failed to provide a copy of the Order to your dentist.

9. You may be in violation of Term No. 11 of the Board's Order, which required you to submit quarterly self-reports, in that you failed to submit the report due December 31, 2013.

**The Board hereby offers to enter into the enclosed Consent Order with you in lieu of an informal conference in this matter. Please review this document, and should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your witnessed signature to the Board office on or before *August 6, 2014*. Upon its receipt in the Board office, the Consent Order will be entered upon approval by the full Board and the informal conference will be cancelled. You will receive a certified copy of the Consent Order, bearing the date of entry, shortly thereafter. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on August 6, 2014, the Board will proceed with the informal conference as scheduled.**

After consideration of all information, the agency subordinate may:

- 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 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 § 2.2-4020 of the Code.

#### **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 move the case to 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. 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.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon 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.**

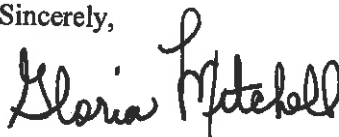
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, by August 6, 2014. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on August 13 2014. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on August 6, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after August 6, 2014, will not be considered.

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.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4617.

Sincerely,



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

GDM/sk

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division  
Tammie D. Jones, Adjudication Specialist  
Debra Hay-Pierce, Senior Investigator (Case no. 154545)  
Tonya James, Compliance Case Manager (Case no. 154596)  
Agency Subordinate