



COMMONWEALTH of VIRGINIA

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Virginia Board of Nursing
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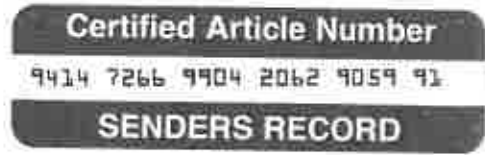
Board of Nursing (804) 367-4515
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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

March 29, 2016

Denise W. Fair, R.N.
51 Forrest Road
Poquoson, Virginia 23606

RE: VA License No.: 0001-139796
Expiration Date: July 31, 2017



Dear Ms. Fair:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **May 3, 2016, at 9:00 a.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.

Specifically:

1. During the course of your employment with Riverside Hospice, Newport News, Virginia:
 - a. You may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing in that between or about July and August 2015, on multiple occasions, you missed home health appointments for multiple patients without contacting or rescheduling with the patients. Further, you failed to check vital signs, properly assess patients, provide patients with physician-ordered care including dressing changes, or process orders for prescribed medications.

b. You may have violated § 54.1-3007(5) and (6) of the Code in that, in or about August 2015, during the course of your treatment at the Farley Center at Williamsburg Place, Williamsburg, Virginia, you told a staff member that your drinking had recently started to affect your job and that you would drink so much that in the morning, you were not "clear." Further, you stated that you had missed scheduled patient visits to go home and drink.

2. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice professional nursing due to substance abuse, chemical dependency, and/or mental illness, as evidenced by the following:

a. On or about August 30, 2015, you received treatment at the emergency department of Sentara Williamsburg Regional Medical Center, Williamsburg, Virginia for diagnoses including acute alcohol intoxication with alcoholism, uncomplicated (HCC) and alcoholic hepatitis without ascites.

b. From on or about August 31 through October 7, 2015, you received inpatient treatment at the Farley Center at Williamsburg Place. Your discharge diagnoses included alcohol dependence; alcohol withdrawal, resolved; anxiety disorder, in partial remission; alcohol-related mood disorder, resolving; and cognitive disorder, unspecified, resolving.

c. On or about November 19, 2015, you received treatment at the Riverside Regional Medical Center, Newport News, Virginia for diagnoses of major depression, acute exacerbated; alcohol abuse; and suicidal ideation.

d. Between or about November 19 and November 23, 2015, by your own admission, you received inpatient treatment at Riverside Behavioral Health Center, Newport News, Virginia after using alcohol.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-_____.

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 professional nursing in the Commonwealth; or
- 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.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

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 panel 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 panel 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.**

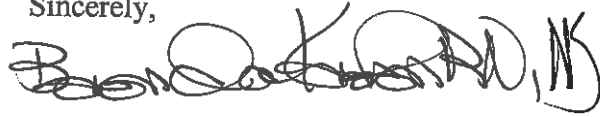
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by April 26, 2016. Your documents may not be submitted by facsimile or email.

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 May 3, 2016. 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 April 26, 2016. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after April 23, 2016 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 our office, at (804) 367-4502.

Sincerely,



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

GML/sts

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Amy E. Weiss, Adjudication Specialist
Kelly D. Ashley, Senior Investigator (Case no. 169749)
Agency Subordinate