



# 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, MSM, RN, CSAC, FRE**  
**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

March 25, 2016

Chastity R. Jones, R.N.  
580 Horton Summit Rd.  
Duffield, VA 24244

Certified Article Number

9434 7266 9904 2062 9059 39

SENDERS RECORD

RE: VA License No.: 0001-194597  
Expiration Date: August 31, 2016

Dear Ms. Jones:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **April 26, 2016, 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.

Specifically:

1. You may have violated § 54.1-3007(2), (3), (5), (6) 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 with Indian Path Medical Center, Kingsport, Tennessee, you diverted various narcotics for your personal and unauthorized use, as evidenced by the following:

a. On or about September 4, 2014 at 19:07 hours, you withdrew one Valium (diazepam, C-IV) 5mg tablet and one Dilaudid (hydromorphone, C-II) 2mg syringe for Patient A, and documented administering the medications one and one-half hours later at 20:43 hours. Further, Patient A was ordered 1mg Dilaudid; however you failed to document the amount wasted. You also withdrew two Percocet (oxycodone, C-II) 5/325mg tablets and failed to document administration or wasting.

b. On or about September 16, 2014 at 19:33 hours, you withdrew one Lortab 10/325mg tablet for Patient B, and documented administering the medications at 21:35 hours, which is more than two hours later. You also withdrew one Ativan (lorazepam, C-IV) 0.5mg tablet and one Restoril (temazepam, C-IV) 15mg capsule and failed to document administration or wasting.

c. On or about September 18, 2014 at 19:29 hours, you withdrew one Lortab 5/325mg tablet for Patient C, and documented administering it at 22:36 hours, which is more than three hours later.

d. On or about September 18, 2014 at 19:35 hours, you withdrew one morphine (C-II) 2mg syringe for Patient D, and failed to document administration or wasting.

e. On or about September 20, 2014 at 18:05 hours, you withdrew one Dilaudid 2mg syringe for Patient E and failed to document administration or wasting. Further, at 18:48 hours, you withdrew one Restoril 7.5mg capsule and one Dilaudid 2mg syringe for Patient E, and documented administering the medications at 20:58 hours, which is more than two hours later.

f. On or about September 20, 2014, you withdrew two Dilaudid 2mg syringes for Patient F and one Lortab 7.5/325 tablet and failed to document administration or wastage.

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, and/or mental and/or physical illness, as evidenced by the following:

a. On or about April 7, 2015, while being treated for lower back pain, you were dismissed from a pain management clinic in Kingsport, Tennessee, for violating an opioid agreement. Specifically, on or about March 31, 2015, you requested a prescription for Lortab after having received two prescriptions for oxycodone (C-II) on or about March 20, 2015. Further, you failed to report to the office for a random urine drug screen and pill count, and failed to schedule an MRI as instructed.

b. From on or about November 26, 2014 to July 7, 2015, you obtained narcotic prescriptions from multiple prescribers at five different practices.

c. On or about August 5, 2014, while being treated for lower back pain at Medical Associates of SW Virginia, you tested positive for oxymorphone and benzodiazepines, for which you did not have valid prescriptions.

Please see Attachment I for the names of the patients referenced above.

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) 367-4515.

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.

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 19, 2016. Your documents may not be submitted by facsimile or email.

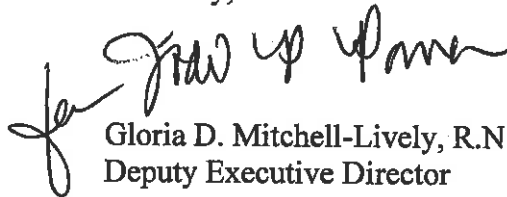
You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on April 26, 2016. A request to continue this proceeding must state **in 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 19, 2016. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after April 19, 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 this office at (804) 367-4634.

Sincerely,

A handwritten signature in black ink, appearing to read "Gloria D. Mitchell-Lively". The signature is written in a cursive style with a large initial "G" and "D".

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

GML/sts  
Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division  
Tammie D. Jones, Adjudication Specialist  
Jennifer Baker, Senior Investigator (Case no. 169332)  
Agency Subordinate