



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

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Virginia Board of Nursing  
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### NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

March 22, 2016

Ashley Sinozich, R.N.  
a/k/a Ashley Brouillard  
106 Tournament Court  
Suffolk, VA 23434

**CERTIFIED MAIL**  
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4 Hearn Drive  
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RE: VA License No.: 0001-226678  
Expiration Date: August 31, 2017

Dear Ms. Sinozich:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **April 20, 2016 at 10:30 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 nursing practice in Virginia.

Specifically, you may have violated § 54.1-3007(2), (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 Sentara CarePlex Hospital, Hampton, Virginia, in April 2015, you diverted fentanyl for your personal and unauthorized use, as evidenced by the following:

1. For Patient A, who had an order for fentanyl 25mcg every two hours as needed for anxiety and pain:

a. You withdrew fentanyl from the Omnicell system without any documentation of administration, with conflicting documentation, and/or less than two hours after the last withdrawal:

i. On or about April 2, 2015, you withdrew fentanyl at 06:15 without documenting any pain assessment or administration of the medication.

ii. On or about April 7, 2015, you withdrew fentanyl at 13:45 and documented administering it at 14:07 along with hydrocodone and lorazepam, but at 15:00, another nurse documented that the patient was still complaining of pain.

iii. On or about April 8, 2015, you withdrew fentanyl at 19:04 and documented administering it at 19:27, but you failed to document any complaint of pain. You then withdrew fentanyl again at 20:17 without documenting administration or complaint of pain, and when you had just documented that the patient was asleep at 20:00.

iv. On or about April 9, 2015, at 01:48; 02:29, 02:58, and 04:14, you withdrew fentanyl and documented administering it to the patient without documenting any complaint of pain. In addition, during this time, the patient was noted to be calm and tranquil.

v. On or about April 10, 2015, you withdrew fentanyl at 21:12 and 21:53. You failed to document any complaint of pain or administration of the medication after the 21:53 withdrawal. Further, another nurse had documented the patient's pain at 4/10 at 21:06.

vi. Between 23:48 on or about April 10, 2015 and 03:26 on or about April 11, 2015, you withdrew fentanyl four times. You only documented administration three times, and failed to document any complaint of pain. Further, another nurse had documented the patient's pain at 2/10 at 22:49 on April 10.

vii. On or about April 11, 2015, between 05:58 and 23:47, there is documentation that you administered fentanyl to Patient A four times; however, you failed to document any complaint of pain or administration of the medication on the patient's flowsheet.

viii. On or about April 12, 2015, between 17:36 and 23:15, you withdrew fentanyl six times; however, you documented complaints of pain and administering the medication only three times.

ix. On or about April 13, 2015, you withdrew fentanyl once at 00:04, twice at 02:12 and once at 03:35. However, you only documented complaints of pain and administering the medication twice during this time period.

b. Between April 2 and April 12, 2015, you withdrew significantly more fentanyl for this patient than any other nurse. In addition, you documented administering fentanyl along with other medications such as hydrocodone and lorazepam, which no other nurse did during this period.

2. For Patient B, who had an order for fentanyl 50mcg every four hours:

- a. On or about April 5, 2015, you documented administering fentanyl at 02:01, though you documented at 02:00 that the patient was calm and denied pain. Further, there was no withdrawal of the medication until 02:39.
  - b. On or about April 5, 2015, at 04:00, you documented that the patient was resting without distress, and at 04:15, you documented that he was asleep, but you also noted that his pain was 7/10 and that you medicated him with hydrocodone at 04:14.
  - c. On or about April 5, 2015, at 06:35, you withdrew fentanyl but failed to document any complaint of pain or administration of the medication.
  - d. On or about April 5, 2015, you withdrew fentanyl at 18:54 and documented administering it to the patient at 19:22. You then withdrew fentanyl at 20:06 with no documentation of pain or administration.
  - e. You withdrew fentanyl at 23:55 on April 5 but failed to document pain or administration.
  - f. On or about April 6, 2015, you withdrew fentanyl at 03:13 and 04:22, but failed to document any complaint of pain, and documented administering the medication only at 04:26.
3. For Patient C, who had an order for fentanyl 50mcg every hour:
    - a. On or about April 18, 2015, you withdrew fentanyl at 03:30 but failed to document administering the medication until 05:31.
    - b. On or about April 18, 2015, at 0630, you documented an absence of nonverbal indicators of pain, but you withdrew fentanyl at 06:34 and documented administering the medication at 06:53.
    - c. On or about April 18, 2015, at 17:08, you withdrew fentanyl but failed to document pain or administration.

Please see Attachment I for the names of the patients referred to 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 15, 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 20, 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 15, 2016. Only one

such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after April 15, 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) 367-4634.

Sincerely,



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

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division  
Wendy Morris, Senior Investigator (Case no. 163395)  
Agency Subordinate