

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHERRI VELVET WHITAKER, L.P.N. REINSTATEMENT APPLICANT
License Number: 0002-077301
Suspension Date: July 7, 2016
Case Number: 179766

**NOTICE OF INFORMAL CONFERENCE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an Informal Conference has been scheduled before the Board of Nursing ("Board") regarding your application for reinstatement of your license to practice practical nursing in the Commonwealth of Virginia following its suspension by the Board.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
DATE AND TIME:	August 8, 2017 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. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of practical nursing.
3. In considering your application, the Committee will consider evidence that grounds exist to deny your application for reinstatement of your license to practice practical nursing, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:
 - Approve your application and issue an unrestricted license to practice practical nursing.
 - Approve your application and issue a reprimand, a monetary penalty, and/or a restricted license subject to terms and conditions.
 - Deny your application.

- Refer the matter to the Board for a formal administrative hearing.

ABSENCE OF APPLICANT AND APPLICANT’S COUNSEL:

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

APPLICANT’S LEGAL RIGHTS:

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee 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:

Deadline for filing materials: **August 1, 2017**. Submit five copies of all documents you want the Board to consider to LaTasha Austin, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **August 1, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **August 1, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that grounds exist to refuse to reinstate the license of Cherri Velvet Whitaker to practice practical nursing in that:

1. Ms. Whitaker violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice due to substance abuse and/or physical and/or mental illness, as evidenced by the following:

a. On or about February 7, 2017, in the General Sessions Court for Claiborne County, Tennessee, Ms. Whitaker was convicted of driving while under the influence for an incident that occurred on or about July 23, 2016. During her arrest, Ms. Whitaker admitted to consuming four beers, Klonopin (clonazepam, C-IV) and tramadol (C-IV).

b. On or about April 12, 2017, during an interview with a Department of Health Professions investigator, Ms. Whitaker reported being diagnosed with bipolar disorder, for which she is not receiving treatment or being prescribed medication. She also reported experiencing back pain from a herniated disc, for which she is not receiving treatment.



Brenda Krohn, R.N., M.S.
Deputy Executive Director
Virginia Board of Nursing



Date