



COMMONWEALTH of VIRGINIA

Department of Health Professions Board of Nursing

Nancy K. Durrett, R.N., M.S.N.
Executive Director
nursebd@dhp.state.va.us

November 20, 2002

6606 West Broad Street, Fourth Floor
Richmond, Virginia 23230-1717
(804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9512
TDD (804) 662-7197

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
(ARTICLE NO. 7160 3901 9844 7526 1368)

Jessica McGrady, C.N.A., L.P.N.
913 Bland Street
Pulaski, Virginia 24301

RE: Certificate No. 1401-059790-Expired June 30, 2002
License No. 0002-062510-Expires February 28, 2003

Dear Ms. Grady:

This is official notification that an Informal Conference will be held pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-3010 of the Code of Virginia (1950), as amended, **on December 9, 2002, at 1:00 p.m.**, at the Department of Health Professions, 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230. You may be represented by an attorney at the conference.

The Special Conference Committee, which is comprised of at least two members of the Virginia Board of Nursing, will inquire into allegations that you may have violated certain laws and regulations governing the practice of nursing and the practice of nurse aides in Virginia. Specifically:

1. You may have violated § 54.1-3007(1) and (2) of the Code of Virginia, (1950), as amended, (the Code), and 18 VAC 90-20-300(A)(1)(b) of the Board of Nursing Regulations, in that on or about July 9, 2001, you answered no to the question "Have you a mental, physical, or chemical dependency condition which could interfere with your current ability to practice nursing," on your application for licensure by examination as a practical nurse, when, in fact, you reported in April 2001 that you are chemically dependent.
2. During the course of your employment with Carilion New River Valley Medical Center, Christiansburg, Virginia:
 - a. You may have violated § 54.1-3007(2), (3), (5), and (6) of the Code of Virginia, and 18 VAC 90-20-360(2)(c) of the Board of Nursing Regulations, in that by your own admission, in approximately June 2001, you stole three (3) blank prescription slips from the prescription pad of Kary Donnelly, M.D. As a result, your employment was terminated. Additionally, on or about June 26, 2001, you advised the arresting officer

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that on or about May 24, 2001, you stole five prescription blanks.

- b. You may have violated § 54.1-3007(2), (3), (5), and (8) of the Code and 18 VAC 90-20-360(2)(e) of the Board of Nursing Regulations, in that you received two counselings which may constitute a pattern of conduct that may represent a danger to the health, safety and welfare of the public as follows:
 1. On or about June 9, 2001, you were counseled for not obtaining vital signs when asked and for failing to assist in toileting, bathing and feeding residents when requested. Additionally, you were counseled for leaving the unit without advising your charge nurse that you were leaving, taking excessive breaks, and appearing to be asleep during report and while sitting at the nurses station. Your employment was suspended for one day.
 2. On or about April 5, 2001, you were counseled for failing to be accessible to the nursing staff when needed on the unit, taking excessive breaks, and failing to notify your supervisor when leaving the unit.
3. You may have violated § 54.1-3007(2), (3), and (6) of the Code, in that by your own admission, on or about June 25, 2001, you presented to the CVS Pharmacy, a forged prescription for Lortab, in the name of Jennifer Hodge, upon which you forged the signature of Dr. Donnelly.
4. You may have violated § 54.1-3007(2), and (6) of the Code, in that by your admission, on or about June 25, 2001, you presented a forged prescription to the Kroger Pharmacy in the name of Jennifer Dowdy, upon which you forged the signature of Dr. Donnelly. The prescription was not filled due to having received a previous telephone call from CVS Pharmacy that you had presented a forged prescription for Lortab.
5. You may have violated § 54.1-3007(2), and (6) of the Code, in that on or about October 16, 2001, in the Circuit Court of Pulaski County, Virginia, you were indicted on two (2) counts of possessing a Schedule II drug. You entered a plea of guilty, and there was sufficient evidence for a finding of guilt. The court took the matter under advisement for one (1) year, and you were placed on probation through the Community Corrections Office. The Court Order stated that your probation would be under the terms and conditions of § 18.2-251, and you shall be evaluated and enter a treatment or education program, and that you shall remain drug free and submit to urine drug screens. On or about June 17, 2002, a Show Cause Order was issued due to noncompliance with the October 16, 2001 Court Order. On or about June 17, 2002, the court continued the matter for an additional year.
6. You may be in violation of § 54.1-3007(6) of the Code, in that medical records from Syed T. Haider, M.D., your treating physician, indicate concerns about a substance abuse problem. Specifically, the records indicated that on or about July 9, 2001, family members raised concerns that you may have a substance abuse problem and wanted the physician to be aware of their concerns. Dr. Haider continued to prescribe Ultram with careful monitoring of your medication usage. This note stated that you admitted using excessive doses of pain medications

that have been prescribed secondary to escalating pain intensity. You reported that you are now feeling better since going through the detoxification program, and that Ultram appears to be a good source of pain management.

7. You may be in violation of § 54.1-3007(6) of the Code, in that on or about June 26, 2001, you entered Carilion St. Alban's Hospital, Radford, Virginia, for opiate detoxification. The records reflect that you were offered an intensive outpatient program upon discharge, but that you refused indicating that you planned on obtaining treatment as a result of the court order.
8. You may be in violation of § 54.1-3007(2) of the Code, in that on or about August 4, 2000, your employment as a certified nurse aide was terminated from Richfield Retirement Community, Salem, Virginia, for failing to work a two (2) week notice period after resigning your position with the facility.

Since the allegations listed may above involve impairment, please be advised of the availability of making application to the Health Practitioners' Intervention Program ("Program"), which is available to all health care practitioners licensed in Virginia. A brochure about the program is enclosed. Should you enter into a written agreement with the Program prior to your Informal Conference, the Committee will take that into consideration and could, among other options, decide to close your case with no disciplinary action.

Should you decide not to enter into a written agreement with the Program prior to your meeting with the Conference Committee, the Conference Committee is authorized, after meeting with you, to take one of the following actions:

1. If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide or licensed practical nurse in the Commonwealth;
2. The Committee may place you on probation as a certified nurse aide and/or as a licensed practical nurse, with such terms as it may deem appropriate;
3. The Committee may reprimand you as a certified nurse aide and/or licensed practical nurse;
4. The Committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code regarding your nurse aide certificate or your license as a practical nurse; or
5. The Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Conference Committee is of the opinion that a suspension or revocation of either your certificate or license may be justified, the Committee may offer you a consent order in lieu of a formal hearing.
6. If the committee finds that there is sufficient evidence to find you in violation of the above charge(s) and § 54.1-3007(8) of the Code, the committee shall make a finding of abuse, neglect or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B) of the federal regulations, such a

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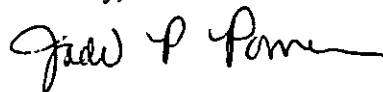
finding will prohibit your future employment as a certified nurse aide in any long term care facility, which receives Medicare or Medicaid reimbursement.

If you fail to appear at the informal conference, the Conference Committee may proceed to hear the case in your absence, and may take any of the actions outlined above. Please inform this office at (804) 662-7165 about whether you intend to appear at the conference at least ten (10) days prior to the scheduled date specified above. Also, please inform the Board office of a telephone number where you may be reached.

If you have any additional documents to be presented to the Conference Committee, please bring five (5) copies of each document with you.

You have the right to information that will be relied upon by the Board in making a decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee 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, and must be claimed at the post office. Also, enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws and regulations relating to the practice of nurse aides in Virginia that are cited in this notice.

Sincerely,



Jodi P. Power, R.N., J.D.
Deputy Executive Director
Nurse Aide Registry Manager

JPP/gem/jm
Enclosures

cc: Robert A. Nebiker, Director
Elizabeth A. deAristizabal, Investigator (Case # 82314)
James L. Banning, Director for Adm. Proceedings
Gayle E. Miller, Senior Adjudication Analyst
Donna Whitney, L.P.N., L.S.A.C., Intervention Program Manager