



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

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Virginia Board of Nursing
Jay P. Douglas, RN, MSM, CSAC
Executive Director

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

Board of Nursing (804) 662-9909
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September 30, 2005

Yvonnda P. Sisk, R.N.
1701 Florence Avenue
Chester, VA 23831

CERTIFIED MAIL
71603901984887226467

RE: License No.: 0001-085825
Expiration Date: 5/31/06

Dear Ms. Sisk:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **October 27, 2005, at 10:00 a.m.**, at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. In accordance with Sections 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 Section 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 the practice of professional nursing in Virginia, and will review your compliance with the terms and conditions imposed upon your license to practice professional nursing in Virginia, as set forth in an Order of the Board entered on September 30, 2003. Specifically:

1. By Order of the Board entered September 30, 2003, the Board took no action against your license contingent upon your compliance with certain terms and conditions, to include your compliance with a Recovery Monitoring Contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code of Virginia (1950) as amended ("Code"), and 18 VAC 76-10-10, et seq., of the Regulations Governing the HPIP. You may have violated the terms of this Order. Specifically, the HPIP Committee met and heard a report, dated April 1, 2005, that you were not in compliance with the terms of your contract with HPIP. Based on multiple instances of non-compliance, including your continued use of alcohol, as evidenced by your submission of positive ethyl glucuronide screens on November 5, 2004, and February 28, 2005, and your subsequent refusal to enter into a residential treatment program, the committee voted to dismiss you from the program on April 15, 2005.

2. The agency subordinate will also inquire into allegations that you may have violated § 54.1-3007(2) of the Code, and 18 VAC 90-20-300(A)(2)(e) of the Regulations of the Board of Nursing, in that, by your own admission, during the course of your employment at Virginia Commonwealth University ("VCU") Health System, Richmond, Virginia, you were allowed to resign in lieu of termination, effective May 27, 2004, after it was discovered that, in November 2002, when making application for employment there, you failed to list Southside Regional Medical Center, Petersburg, Virginia, and Chippenham Johnston Willis Hospital, Richmond, Virginia, as previous places of employment.

3. Additionally, the agency subordinate will re-examine the allegations made in the notice of informal conference dated July 31, 2003. Specifically:

a. You may be in violation of § 54.1-3007(6) of the Code, in that, you reported to the Department of Health Professions investigator that you began using alcohol in 2001 while employed at St. Mary's Hospital, Richmond, Virginia. As a result, on or about October 19, 2001, you signed a Participation Contract with HPIP, pursuant to Chapter 25.1 of Title 54.1 of the Code, and 18 VAC 76-10-10, et seq., of the Regulations Governing the Health Practitioners' Intervention Program. On or about March 1, 2002, you signed a Recovery Monitoring Contract. By your own admission, your impairment continued in spite of your entry into HPIP. Specifically:

- i. After signing your participation contract, you received inpatient treatment at Poplar Springs Hospital, Petersburg, Virginia, and additional substance abuse treatment at Willow Oaks, Cartersville, Virginia.
- ii. On or about March 1, 2002, after signing a recovery monitoring contract, you were allowed to return to work in the capacity as a professional nurse. Subsequently, on or about March 24, 2002, your employment with St. Mary's Hospital, Richmond, Virginia, was terminated, as you were directed by HPIP that you could not practice until attending an outpatient program due to your relapsing on alcohol.
- iii. In approximately September 2002, HPIP approved your employment at Chippenham Johnston Willis Hospital, Richmond, Virginia. On or about October 28, 2002, after being terminated from Chippenham Johnston Willis Hospital, you submitted a letter of resignation to HPIP. Your request was considered, and on or about December 13, 2002, your resignation was accepted and you were released from HPIP. You stated that you requested release from HPIP because you needed to continue employment as a professional nurse and HPIP refused to allow you to be employed.

b. During the course of your employment at St. Mary's Hospital, Richmond, Virginia :

i. You may have violated § 54.1-3007(2), (5), and (8) of the Code, and 18 VAC 90-20-300(2)(f) of the Board of Nursing Regulations. Specifically:

A. On June 18, 2001, you were verbally counseled for failing to

document on May 21, 2001, that a cardizem drip had been started, and also for failing to notify a physician on June 3, 2001, regarding a patient's blood loss.

B. On May 15, 2001, you were counseled for reporting to the oncoming morning nurse on April 17, 2001, that a patient's condition had not changed overnight, when, in fact, the patient had become hypertensive and unresponsive during the night. The patient was discovered in this condition by a physician making morning rounds.

C. On December 21, 2000, you were counseled for being unable to identify a patient's rhythm when asked by a physician to do so on December 4, 2000, at 9:00 a.m. The patient was having difficulty breathing, and it was discovered you had not taken his/her blood pressure since 5:00 a.m.

D. On September 2, 1999, you were counseled for not documenting an epidural, for clamping an I.V. that did not run and subsequently infiltrated, and for leaving I.V. bags empty.

ii. You may have violated § 54.1-3007(6) of the Code, in that on or about September 12, 1999, a service delivery report in your personnel file noted that your coworkers were concerned because they believed you smelled of alcohol on or about January 11, 1999.

iii. On or about May 15, 2002, your employment was terminated for failing to return from "FMLA."

c. You may have violated § 54.1-3007(6) of the Code, in that during the course of your employment with Chippenham Johnston Willis Medical Center, Richmond, Virginia, on or about October 11, 2002, you reported for duty and were noted to have an odor associated with alcohol. You were asked to submit to a blood alcohol test and refused. Later in the shift, you admitted to a coworker that you drank "a half glass of wine" with lunch before reporting for duty. Your employment was terminated after it was discovered that you were under contract with the Health Practitioners' Intervention Program and you failed to follow the recommendation that you not return to work until seeking additional treatment.

d. During the course of your employment with the Medical College of Virginia, Richmond, Virginia:

i. You may have violated § 54.1-3007(2) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations, in that you falsified your application for employment, dated October 28, 2002. Specifically, you failed to list your employment with St. Mary's Hospital and Southside Regional Medical Center.

ii. You may have violated § 54.1-3007(6) of the Code, in that, you signed a substance abuse recovery work agreement in order to remain employed,

whereby the employer monitored you as an employee.

After consideration of all information, the agency subordinate may:

1. Recommend to the Board that you be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory/regulatory violation has occurred; or
2. 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 Section 54.1-2401 of the Code.

Further, the agency subordinate may recommend that your application or reinstatement request be approved or denied, that a previous Board Order be modified, or refer this matter for a formal administrative proceeding pursuant to Section 2.2-4019 of the Code.

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 quorum 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 quorum 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, and must be claimed at the post office. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

To facilitate this proceeding, you should submit **four (4)** copies of any documents you wish for the agency subordinate to consider to Susan Rosen, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, by **October 17, 2005**. Your documents may not be submitted by facsimile or e-mail.

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 **October 27, 2005**. 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 **5:00 p.m. on, October 17, 2005**. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **October 17th**, 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 medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. Relevant excerpts of the code of Virginia and Board of Nursing regulations are included. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations. Relevant excerpts of the *Code of Virginia* and the Board of Nursing Regulations are included in this mailing.

The Board hereby offers to enter into the enclosed Consent Order with you in lieu of an informal conference in this matter. Please review this document, and should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your witnessed signature to the Board office on or before *October 12, 2005*. Upon its receipt in the Board office, the Consent Order will be entered and the informal conference will be cancelled. You will receive a certified copy of the Consent Order, bearing the date of entry, shortly thereafter. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on *October 12th* the Board will proceed with the informal conference as scheduled.

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) 662- 9948.

Sincerely,



Susan Bell Rosen, R.N., F.N.P., M.S.J.D.
Deputy Executive Director, Discipline

Enclosures

cc: Agency Subordinate
Robert A. Nebiker, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Rachel E. Welch, Adjudication Specialist
Peggy W. Call, Intervention Program Manager
Ann L. Tiller, Compliance Manager
Martha W. Miller, L.P.N., Senior Investigator (102762, 97516, 88238)