

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:**           **SAMANTHA ELIZABETH DAY, R.N.**  
**License Number:**           **0001-254124**  
**Issue Date:**               **August 28, 2014**  
**Expiration Date:**           **September 23, 2016**  
**Case Number:**              **176192**

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**NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board.
<b>DATE AND TIME:</b>	<b>November 17, 2016 9:30 A.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Continue your license on indefinite suspension;
- Revoke your license.

### ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

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

### RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Board 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.

### \*MATERIALS/EXHIBITS\*:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by Choose an item.. Please bring these documents with you to the formal hearing.**

### FILING DEADLINES:

1. Deadline for filing exhibits: November 7, 2016. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: November 7, 2016. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.
3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **November 7, 2016. If you have not filed any objections by November 7, 2016, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case.** If you do file objections, the Commonwealth has until **November 7, 2016**, to file a response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

### REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **November 7, 2016**, 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 **November 7, 2016**.


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STATEMENT OF ALLEGATIONS

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The Board alleges that:

1. At all times relevant hereto, Samantha Elizabeth Day, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. By Order entered June 15, 2016, the Board indefinitely suspended Ms. Day's license to practice professional nursing and stayed the suspension contingent upon her re-entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP"), due to substance abuse.
3. Samantha Elizabeth Day, R.N., violated Virginia Code § 54.1-3007(6) and Term Numbers 6 and 12 of the Board's Order in that on September 16, 2016, Ms. Day was dismissed from the HPMP due to noncompliance. Specifically, Ms. Day failed to enter and complete treatment as recommended, failed to comply with the toxicology screening program and failed to maintain communication with the HPMP.

  
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

November 2<sup>nd</sup>, 2016  
Date