

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: DENNY D. MOORE, R.N.  
License No.: 0001-241954**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on February 24, 2016 in Henrico County, Virginia. Denny D. Moore, R.N. was not present nor was he represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 18, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Moore was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Denny D. Moore, R.N. was issued License No. 0001-241954 to practice professional nursing in Virginia on December 20, 2012. The license expired on September 30, 2015. His primary state of residence is Virginia.

2. By letter dated January 21, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Moore notifying him that an informal conference would be held on February 24, 2016. The Notice was sent by certified and first class mail to 222 W. 21<sup>st</sup> Street, Suite F108, Norfolk, Virginia 23517, the address of record on file with the Board of Nursing. The Notice was also sent to 1744 Moonstone Drive, Virginia Beach, Virginia 23456, a secondary address. The receipt for the

Notice sent by certified mail was signed by an unknown person. The Notice sent by first class mail to the address of record was not returned to the Board office. The Notice sent by certified mail to the secondary address was returned unclaimed to the Board office. The Notice sent by first class mail to the secondary address was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Moore and the informal conference proceeded in his absence.

3. By Consent Order entered November 7, 2012, the Board approved Mr. Moore's application for licensure by examination to practice professional nursing contingent on his entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP"). This Order was based on findings that Mr. Moore suffered from mental illness and had a history of alcohol abuse.

4. Mr. Moore entered the HPMP in November, 2012.

5. According to his HPMP case manager, Mr. Moore was approved to practice nursing in April 2013. However, he was unable to find nursing employment due to a prior conviction for assault and battery. He resigned from the HPMP in May 2015. His resignation was accepted and his participation was terminated on June 10, 2015.

6. At the time of his resignation from HPMP, Mr. Moore was in compliance with his program contract.

#### **CONCLUSIONS OF LAW**

Finding of Fact No. 1 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 1 of the Order of the Board entered November 7, 2012.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Denny D. Moore, R.N. to renew License No. 0001-241954 is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended.


3. At such time as Mr. Moore shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of professional nursing. Mr. Moore shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice professional nursing.

Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Since Mr. Moore failed to appear at the informal conference, this Order shall be considered final. Mr. Moore has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Moore has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

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

Certified True Copy

By   
Virginia Board of Nursing

Entered: May 27, 2016