



COMMONWEALTH of VIRGINIA

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Director

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Virginia Board of Nursing
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AMENDED NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

April 11, 2016

Autumn B. Dews, R.N.
a/k/a Autumn Ferguson, R.N.
102 College Park Dr.
Lynchburg, VA 24502

UPS OVERNIGHT MAIL
IZ 236 087 03 9610 2782

RE: VA License No.: 0001-198379
Expiration Date: April 30, 2016

Dear Ms. Dews:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **April 13, 2016, at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 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 § 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 professional nursing practice in Virginia.

Specifically:

1. During the course of your employment with the Lynchburg General Hospital, Lynchburg, Virginia:
 - a. You may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations") in that, by your own admission, between February and September 2015, you diverted hydromorphone (C-II) on numerous occasions for your personal, unauthorized use by taking wasted IV syringes from sharps containers.
 - b. You may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations in that by your own admission, between on or about

September 23 and November 8, 2015, you diverted hydromorphone from approximately 17 patients on approximately 27 occasions for your personal, unauthorized use. You accomplished this diversion by withdrawing vials of hydromorphone from the Accudose system under different patient names, removing 5ml of hydromorphone, replacing the hydromorphone with saline, and then replacing the adulterated vials back in the Accudose drawer.

2. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice professional nursing due to substance abuse and/or chemical dependency, as evidenced by the following:

a. On or about December 9, 2015 and on multiple other occasions, by your own admission, you returned to Lynchburg General Hospital after your employment there had been terminated and you attempted to remove medications from sharps containers.

b. On or about December 11, 2015, you signed a Participation Contract with the Health Practitioners' Monitoring Program, in which you acknowledged your opiate abuse.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth;
- 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 § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 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 panel 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 panel 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.

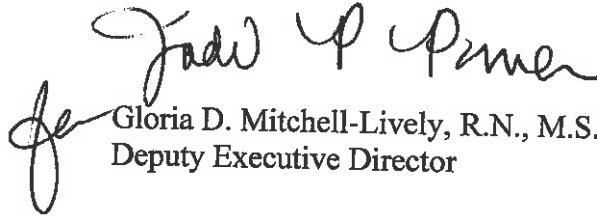
You have the right to information that will be relied upon by the agency subordinate in making a decision. I have previously sent you a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents were enclosed only with the original 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.**

The allegations in this case have not changed, and you previously received notice of the deadlines for submission of additional documents and for you to request that this proceeding be continued. Absent critical circumstances, such as personal or family illness, a request for a continuance 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 nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact Gloria Mitchell-Lively at (804) 367-4634.

Sincerely,



Gloria D. Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Amy E. Weiss, Adjudication Specialist
James Wall, Senior Investigator (Case no. 170644)
Agency Subordinate