



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
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AMENDED NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

April 11, 2016

Connie T. Nixon, L.P.N.
11496 Applejack Road
Bristol, VA 24202

UPS OVERNIGHT MAIL
IZ 236 087 03 9582 7751

RE: VA License No.: 0002-037557
Expiration Date: November 30, 2017

Dear Ms. Nixon:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **April 13, 2016, at 9:00 a.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 practical nursing practice in Virginia.

Specifically, you may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(1) of the Regulations Governing the Practice of Nursing in that during the course of your employment with Brookdale Bristol Senior Living, Bristol, Virginia ("Brookdale"), in or about May and June 2015, you had non-therapeutic, personal involvement with Resident A, who lacked the mental capacity to make his own decisions, in that you interfered with Resident A's personal affairs including his living situation, medical decisions, and guardianship assignment. Further, on or about June 12, 2015, you took Resident A from Brookdale to the Tazewell County Courthouse without permission from and against the express instructions of Resident A's guardian.

Please see Attachment I for the name of the resident referred to above.

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 practical nursing in the Commonwealth; or
- 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 D. 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
Jennifer E. Baker, Senior Investigator (Case no. 164087)
Agency Subordinate