



# 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  
Executive Director

Board of Nursing (804) 367-4515  
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### NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

February 16, 2016

Frankie L. Burnette, C.N.A.  
1401 Westshire Lane  
Henrico, VA 23238

**CERTIFIED MAIL**  
**9414726699042062911473**

RE: VA Certificate No.: 1401-166166  
Expiration Date: April 30, 2016

Dear Ms. Burnette:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **March 10, 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 governing certified nurse aide practice in Virginia and will inquire into allegations that you may be in violation of an Order of the Board entered July 20, 2015 ("Board's Order").

Specifically:

1. You may be in violation of Term No. 1 of the Board's Order, which required your continued compliance with the Health Practitioners' Monitoring Program ("HPMP") in that on or about September 18, 2015, you were dismissed from the HPMP for continued noncompliance.
2. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice as a certified nurse aide due to chemical dependency, as evidenced by the following:

- a. On November 13, 2014, you signed a Participation Contract with the HPMP in which you acknowledged your hydrocodone (C-II) abuse.
- b. On or about August 14, 2015, your therapist reported to the HPMP that you had submitted a positive drug screen to your treatment provider and that you had relapsed on hydrocodone.
- c. On or about September 9, 2015, you stopped calling the HPMP test line as required by your Monitoring Contract.
- d. On or about September 15, 2015, your therapist reported that you had admitted to relapsing on Adderall (C-II).

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 as a certified nurse aide 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 certificate, 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. 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, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by March 3, 2016. Your documents may not be submitted by facsimile or email.

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 March 10, 2016. 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 12 noon on March 3, 2016. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after March 3, 2016 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 this office, at (804) 367-4614.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda Krohn R.N., M.S.", written over a printed name.

Brenda Krohn, R.N., M.S.  
Deputy Executive Director

BK/fdb  
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Amy E. Weiss, Adjudication Specialist  
Andria Christian, Senior Investigator (Case no. 169818)  
Agency Subordinate