



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

AMENDED NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

February 1, 2016

April M. Smith, R.N.
1801 Treasure Island Road
Williamsburg, Virginia 23185

UPS OVERNIGHT MAIL
1Z2360874294855819

Re: VA License No.: 0001-198857
Expiration Date: April 30, 2017

Dear Ms. Smith:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on February 8, 2016 at 10:30 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, rather than before a Special Conference Committee. 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 nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that during the course of your employment with Sentara Williamsburg Regional Medical Center, Williamsburg, Virginia, by your own admission, for approximately one year, ending in October 2011, you diverted Dilaudid (C-II) and Phenergan (promethazine, C-V) from hospital supplies for your personal and unauthorized use.
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 physical and/or mental illness, as evidenced by the following:

a. In October 2011, you entered the Health Practitioners' Monitoring Program ("HPMP"). You were granted a stay of disciplinary action regarding your diversion of drugs with the understanding that you would comply with all terms and conditions of the HPMP. Your stay of disciplinary action was vacated on May 11, 2015, due to your noncompliance. Specifically, you failed to comply with the toxicology screening program and with medical treatment. Further, you were placed on pre-dismissal status on October 1, 2015 for continued failure to comply with the toxicology screening program and for failure to provide documentation relating to your recent hospitalizations and prescriptions for hydrocodone.

b. You suffer from severe physical and mental illnesses, for which you have been hospitalized on multiple occasions, including lupus and polymyositis with perceived cognitive impairment, pancreatitis, and depression.

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 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.

The Board has previously provided to you the information on which the agency subordinate will rely in making a decision. These documents will be considered by the agency subordinate when discussing any allegations with you and when deliberating on this case. **Please bring these documents with you to the informal conference.**

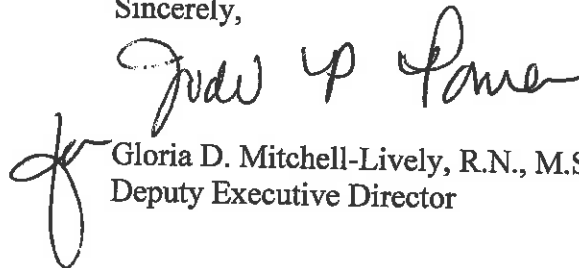
Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice, can be found

April M. Smith, R.N.
Amended Notice
Page 3 of 3

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.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,

A handwritten signature in black ink, appearing to read "Gloria D. Mitchell-Lively". The signature is written in a cursive style with a large initial "G".

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

GML/dt

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Agency Subordinate
Lisa Thomas, Senior Investigator (Case Nos. 141428, 163340)