

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: DANA LOVE, C.N.A.  
Certificate No.: 1401-090084**

**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 January 5, 2016, in Henrico County, Virginia. Dana Love, C.N.A., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 23, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Love was not present nor was she 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. Dana Love, C.N.A., was issued Certificate No. 1401-090084 to practice as a nurse aide in Virginia on August 3, 2002. The certificate expired on August 31, 2006. By Order of the Board entered July 25, 2012, Ms. Love's application for reinstatement of her certificate to practice as nurse aide was approved contingent upon her entry into the Health Practitioners' Monitoring Program. This action was based on Ms. Love's admitted substance abuse. Ms. Love's certificate is scheduled to expire on August 31, 2016.

2. By letter dated December 9, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Love notifying her that an informal conference would be held on January 5,

2016. The Notice was sent by certified and first class mail to 6502 Harvey Court, Norfolk, Virginia 23513, the address of record on file with the Board of Nursing. On December 10, 2015, Ms. Love accepted the Notice sent by certified mail. The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Love and the informal conference proceeded in her absence.

3. Term No. 1 of the Board’s Order entered July 25, 2012, required that Ms. Love comply with all the terms and conditions of the Health Practitioners’ Monitoring Program (“HPMP”). On July 15, 2015, Ms. Love was dismissed from the HPMP for noncompliance with her contract, in that she accepted employment without the approval of the HPMP. In addition, between August 25, 2014, and July 7, 2015, she failed to call the screening test line eight times, and between April 14, 2015, and July 2, 2015, she failed to take the drug test five times.

### CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 1 of the Board’s Order entered July 25, 2012.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-090084 of Dana Love to practice as a nurse aide is INDEFINITELY SUSPENDED.

2. The certificate will be recorded as suspended and no longer current.

3. At such time as Ms. Love shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a nurse aide. Ms. Love shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume

practice.

4. This suspension shall be STAYED upon proof of entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Love shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the certificate of Ms. Love, and an administrative proceeding shall be held to determine whether her certificate shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Love is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Love's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Love involving a violation of law, regulation, or any term or condition of this order.

5. Upon receipt of evidence of Ms. Love's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Love's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

6. Ms. Love is hereby REPRIMANDED.

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 Ms. Love failed to appear at the informal conference, this Order shall be considered final.

Ms. Love 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, Ms. Love has (30) thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, 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 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

Entered: March 29<sup>th</sup>, 2016

Certified True Copy

By 

Virginia Board Of Nursing