



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

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Virginia Board of Nursing  
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Executive Director

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

January 14, 2016

Melissa A. Bowman, R.M.A.  
19012 Millard Drive  
Bristol, Virginia 24202

**CERTIFIED MAIL**  
**9414726699042028426812**

And

10338 Goose Creek Road  
Bristol, Virginia 24202

**CERTIFIED MAIL**  
**9414726699042028426805**

RE: VA Registration No.: 0031-006674  
Expiration Date: October 31, 2015

Dear Ms. Bowman:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **February 4, 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 medication aide practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-60-120(2)(b), (c), (l) and (m) and 18 VAC 90-60-110(A)(1) and (2) of the Regulations Governing the Registration of Medication Aides in that on or about May 9, 2015, during the course of your employment with Carrington Place, Wytheville, Virginia, you altered the narcotic count sheets and

diverted narcotic medications for your own personal and unauthorized use, as evidenced by the following:

a. You signed out one Norco 10-325mg tablet (acetaminophen/hydrocortisone, C-II) at 2100 on the Medication Administration Record ("MAR") for Resident A, but failed to document administration of the medication. Resident A reported to the facility staff that she did not receive her pain medication during your shift.

b. You signed out one oxycodone 5mg tablet (C-II) at 2000 on the MAR, for Resident B. You then altered the Controlled Medication Record ("CMR") by changing the original count of 46 remaining tablets to 45 tablets; you then altered the 45 remaining tablets to 43 after removing a tablet at 1900. Resident B reported to staff that she did not receive any pain medications during your shift.

c. You signed out one Ativan 0.5mg tablet (lorazepam, C-IV) on the MAR for Resident C, but failed to document the time you administered the medication and her response to the medication on the resident's medication notes.

d. You signed out one Norco tablet each at 1520 and 2120 for Resident D. On the CMR you altered the entry date of May 8, 2015, with 29 tablets remaining to May 9, 2015, with 28 tablets remaining. Further, you failed to document administration of the medication in the resident's medication notes.

e. You signed out one phenobarbital 60mg tablet (C-IV) for Resident E, but failed to document the administration of the medication in her medication notes.

f. On January 4, 2016, you pled guilty two counts of obtaining drugs by fraud, first offense and one count of obtaining prescriptions by fraud in the Wythe County, Virginia, Circuit Court as a result of the diversion from Carrington Place. You received deferred disposition until January 4, 2017, in the matter.

2. You may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice as a medication aide due to substance abuse as evidenced by the following:

a. On or about May 9, 2015, you tested positive for opiates while on duty. On or about May 10, 2015, you tested positive for hydrocodone and hydromorphone, for which you did not have a valid prescription.

b. Between November 22, 2014 and July 16, 2015, you received 147 hydrocodone/acetaminophen 325mg tablets from nine different physicians, using six different addresses to pick up the medications from five different pharmacies.

Please see Attachment I for the name of the residents referenced 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 as a medication 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 registration, 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.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

#### **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 January 28, 2016 Your documents may not be submitted by facsimile or email.

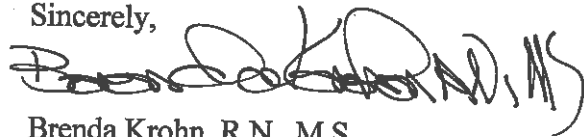
You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on February 4, 2016. A request to continue this proceeding must state **in 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 January 28, 2016. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after January 28, 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.

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,



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

BK/fdb  
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Cynthia E. Gaines, Adjudication Specialist  
Denise Sexton, R.N., B.S.N., Senior Investigator (Case No.163393)  
Agency Subordinate