



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions

6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.state.va.us/

TEL (804) 662-9900

FAX (804) 662-9943

TDD (804) 662-7197

Board of Nursing (804) 662-9909

Nurse Aide Registry (804) 662-7310

FAX (804) 662-9512

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

March 25, 2003

Ms. Monica M. Minor, C.N.A., Reinstatement
9500 Virginia Center Drive
Apartment 301
Richmond, VA, 23059

CERTIFIED MAIL
71603901984423170124

RE: Certificate No. 1401-026362 (Expired)

Dear Ms. Minor:

This is official notification that an Informal Conference will be held, pursuant to § 2.2-4019, § 2.2-4021, § 54.1-110, § 54.1-2400(10) and § 54.1-3010 of the Code of Virginia (1950), as amended, **April 22, 2003, at 9:00 a.m.**, in the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia. You may be represented by an attorney at the conference.

The Special Conference Committee, which is comprised of at least two members of the Virginia Board of Nursing, will receive and act upon your petition for the reinstatement of your certificate to practice as a nurse aide in the Commonwealth of Virginia, which expired on October 31, 1993, and will inquire into allegations that you may have violated certain laws and regulations governing the practice of nurse aides in Virginia. Specifically:

1. You may have violated § 54.1-3007(1), (2), and (5) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-360(1)(b) and (2)(f) of the Board of Nursing Regulations, in that on your Application for Certification Examination dated February 5, 2002, you answered "no" to the "Have you ever has action taken against or been denied a license or certificate in a health-related field . . ." when, in fact, the reinstatement of your certificate was denied on November 20, 1998. You answered a similar question "yes" on two subsequent occasions.

2. You may have violated § 54.1-3007(2), (5), (6), and (8) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-360(2)(c) of the Board of Nursing Regulations in that during the course of your employment at Hunter Holmes McGuire, Veteran Affairs Medical Center, Richmond, Virginia:

Virginia Board of Nursing 1903 - 2003
Regulating Nursing - Protecting The Public

Board of Audiology & Speech - Language Pathology - Board of Dentistry - Board of Funeral Directors & Embalmers - Board of Medicine - Board of Nursing
Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine
Board of Health Professions

a. Between October 24 and October 27, 2002, you stole the prescription medication of three patients that were admitted to your assigned wing. Specifically, Patient's A, B, and C reported missing approximately 314 Percocet Tablets (Schedule II) and 27 MS Contin Tablets (Schedule II). You were on duty at the time, and assisted patient B in packing his belongings.

b. You were verbally counseled for taking long lunch breaks.

c. You became upset and verbally confrontational when you were asked to perform routine duties.

Since the allegations listed may above involve impairment, please be advised of the availability of making application to the Health Practitioners' Intervention Program ("Program"), which is available to all health care practitioners licensed in Virginia. A brochure about the program is enclosed. Should you enter into a written agreement with the Program prior to your Informal Conference, the Committee will take that into consideration and could, among other options, decide to close your case with no disciplinary action.

Should you decide not to enter into a written agreement with the Program prior to your meeting with the Conference Committee, the Conference Committee is authorized, after meeting with you, to take one of the following actions:

1. The committee may reinstate your certificate to practice as a nurse aide in the Commonwealth without restriction;
2. The committee may deny the reinstatement of your certificate;
3. The committee may reinstate your certificate and place you on probation with such terms and conditions as it may deem appropriate;
4. The committee may reinstate your certificate and reprimand you;
5. The committee may reinstate your certificate and impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
6. The committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing.
7. If the committee finds that there is sufficient evidence to find you in violation of the above charge(s) and § 54.1-3007(8) of the Code, the committee shall make a finding of abuse, neglect or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B) of the federal regulations, such a finding will prohibit your future employment as a certified nurse aide in any long term care facility, which receives Medicare or Medicaid reimbursement.

Pursuant to § 54.1-3009 of the Code, the burden of providing evidence satisfactory to the Board that you are prepared to resume the competent practice of nursing with reasonable skill and safety to patients rests with you.

If you fail to appear at the informal conference, the Conference Committee may proceed to hear the case in your absence, and may take any of the actions outlined above.

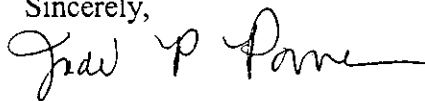
At least ten (10) days prior to the scheduled date of the conference please inform this office of your telephone number and whether you intend to appear at the conference. This can be done by calling our offices at (804) 662-7165 or by sending us a letter at the address listed above.

If you have any additional documents to be presented to the Conference Committee, please bring five (5) copies of each document with you.

You have the right to information, which will be relied upon by the Board in making a decision. Therefore, I enclosed a copy of the documents, which will be distributed to the members of the Committee and will be considered by the Committee 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, and must be claimed at the post office. Please bring these documents with you.

Enclosed you will find copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as the laws and regulations relating to the practice of nursing in Virginia.

Sincerely,



Jodi P. Power, R.N., J.D.
Deputy Executive Director
Nurse Aide Registry Manager

JPP/gem/jwm

Enclosures

cc: Robert A. Nebiker, Director for the Department of Health Professions
James Banning for the Director for Administrative Proceedings Division
Lisa M. Oliphant, Investigator (Case 87334, 88482)
Donna Whitney, L.P.N., C.S.A.C., Intervention Program Manager
Mykl Egan, Senior Adjudication Analyst