



COMMONWEALTH of VIRGINIA

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Director

Department of Health Professions

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Virginia Board of Nursing
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Executive Director

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

September 2, 2015

Kelly Matthews, R.N.
631 Mill Landing Road
Chesapeake, Virginia 23322

CERTIFIED MAIL
9414 7266 9904 2028 4917 35

RE: VA License No.: 0001-229928
Expiration Date: July 31, 2015

Dear Ms. Matthews:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **September 23, 2015, 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 nursing practice in Virginia.

Specifically, you may have violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that between on or about November 21, 2014, and December 5, 2014, during the course of your employment with Sentara Norfolk General Hospital, you diverted oxycodone and acetaminophen (C- II), morphine (C-II), and hydrocodone acetaminophen (C-II) for your own personal and unauthorized use, as evidenced by the following:

1. On or about November 21, 2014, you pulled 1ml of morphine from the Omnicell at 0909 hours for Patient A, and at 1215, you cancelled the entry. On or about November 22, 2014, at 1259, you pulled two tablets of oxycodone/acetaminophen 5mg from the Omnicell for Patient A, but failed to document the administration and/or wastage of the medication.

2. On or about November 22, 2014, you pulled two tablets of oxycodone from the Omnicell at 1044 for Patient B. You failed to document administration and/or wastage of the medication.

3. On or about November 24, 2014, you pulled two tablets of oxycodone 5mg from the Omnicell at 1507 for Patient C. You failed to document administration and/or wastage of the medication.

4. On or about November 24, 2014, you pulled two tablets of oxycodone and acetaminophen 7.5-325mg from the Omnicell at 1830 for Patient D. You failed to document administration and/or wastage of the medication.

5. On or about November 28, 2014, you pulled two tablets of oxycodone 5mg and acetaminophen 7.5-325mg from the Omnicell at 0927 for Patient E, who was not your assigned patient. You failed to document administration and/or wastage of the medication.

6. On or about November 28, 2014, you pulled two tablets of oxycodone from the Omnicell at 0940 for Patient F, who was not your assigned patient. You failed to document administration and/or wastage of the medication.

7. On or about November 30, 2014, you pulled one tablet of oxycodone 7.5-325mg from the Omnicell at 1507 for Patient G. You failed to document administration and/or wastage of the medication.

8. On or about December 2, 2014, you pulled two tablets of hydrocodone acetaminophen 5-325mg from the Omnicell at 1535 for Patient H. You failed to document administration and/or wastage of the medication.

9. On or about December 5, 2014, you pulled two tablets of oxycodone 5mg from the Omnicell at 0938 for Patient I. You failed to document the administration and/or wastage of the medication.

Please see Attachment I for the name of the patients 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 nursing in the Commonwealth; and

- 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 quorum 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 quorum 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.**

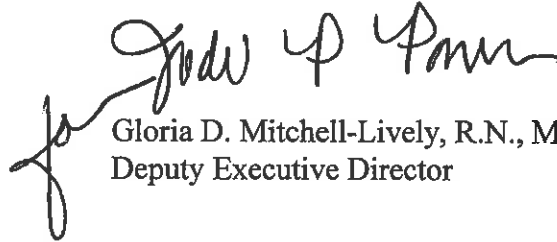
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by September 16, 2015. Your documents may not be submitted by facsimile or email.

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 September 23, 2015. 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 September 16, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after September 16, 2015, 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 our office, at (804) 367-4502.

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" and a long horizontal stroke extending to the left.

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

GML/sts
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Cynthia E. Gaines, Adjudication Specialist
Patricia Harte-Byers, Senior Investigator (Case No. 160651)
Agency Subordinate