



# COMMONWEALTH of VIRGINIA

Robert A. Nebiker  
Director

*Department of Health Professions*  
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Virginia Board of Nursing  
Jay P. Douglas, RN, MSM, CSAC  
Executive Director

## NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

Board of Nursing (804) 662-9909  
Nurse Aide Registry (804) 662-7310  
FAX (804) 662-9512

September 9, 2005

Terry Peelen  
116 Tidal Drive  
Newport News, VA 23606

**CERTIFIED MAIL**  
71603901984887226634

**RE: License Nos.: 0001-167924, expired 1/31/05  
0002-042898, expired 1/31/01**

Dear Ms. Peelen:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **October 27, 2005, at 1:00 p.m.**, at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. In accordance with Sections 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 Section 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 the practice of professional nursing in Virginia, and will review your compliance with the terms and conditions imposed upon your license to practice professional nursing in Virginia, as set forth in an Order of the Board entered on March 6, 2000. Specifically:

1. By Order of the Board entered March 6, 2000, the Board ordered that your application for licensure by examination as a professional nurse be approved contingent upon your compliance with certain terms and conditions, to include your entry into and compliance with a Recovery Monitoring Contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code of Virginia (1950) as amended ("Code"), and 18 VAC 76-10-10, *et seq.*, of the Regulations Governing the HPIP. You may have violated § 54.1-3007(3) of the Code and Terms No. 2 and 3(b) of the Board's Order. Specifically, the HPIP Committee met on February 18, 2005, and heard a report that you were not in compliance with the terms of your contract with HPIP. Based on multiple instances of non-compliance, the HPIP Committee voted to dismiss you from the program.

After consideration of all information, the agency subordinate may:

1. Recommend to the Board that you be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory/regulatory violation has occurred; or
2. Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, or imposing a monetary penalty pursuant to Section 54.1-2401 of the Code.

Further, the agency subordinate may recommend that your application or reinstatement request be approved or denied, that a previous Board Order be modified, or refer this matter for a formal administrative proceeding pursuant to Section 2.2-4019 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, and must be claimed at the post office. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

To facilitate this proceeding, you should submit **four (4)** copies of any documents you wish for the agency subordinate to consider to Susan Rosen, 6603 West Broad Street, 5<sup>th</sup> Floor, Richmond, Virginia 23230-1712, by **October 17, 2005**. Your documents may not be submitted by facsimile or e-mail.

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 **October 27, 2005**. A request to continue this proceeding must state in detail the reason for the request and must establish good cause. Including, absent critical circumstances, such as personal or family illness, a request for a continuance after **October 17, 2005**, will not be considered. Such request must be made, in writing, to me at the address listed on this letter and must be received by **5:00 p.m. on October 17<sup>th</sup>**. Only one such motion will be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. Relevant excerpts of the code of Virginia and Board of Nursing regulations are included. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations. Relevant excerpts of the *Code of Virginia* and the Board of Nursing Regulations are included in this mailing.

The Board hereby offers to enter into the enclosed Consent Order with you in lieu of an informal conference in this matter. Please review this document, and should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your witnessed signature to the Board office on or before *October 1, 2005*. Upon its receipt in the Board office, the Consent Order will be entered and the informal conference will be cancelled. You will receive a certified copy of the Consent Order, bearing the date of entry, shortly thereafter. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on, October 1<sup>st</sup> 2005, the Board will proceed with the informal conference as scheduled.

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) 662- 9948.

Sincerely,



Susan Bell Rosen, R.N., F.N.P., M.S., J.D.  
Deputy Executive Director, Discipline

SBR/rw/dl  
Enclosures

cc: Agency Subordinate  
Robert A. Nebiker, Director, Department of Health Professions  
James L. Banning, Director, Administrative Proceedings Division  
Rachel E. Welch, Adjudication Specialist  
Peggy W. Call, Intervention Program Manager  
Ann L. Tiller, Compliance Manager  
Patricia A. Stigall, R.N., M.S., Regional Enforcement Manager (100307)