



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

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

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

July 9, 2015

David Kaufmann, L.N.P.
27 Laurel Avenue
Washington, PA 15301

CERTIFIED MAIL
9414 7266 9904 2003 1962 59

RE: L.N.P. License No.: 0024-167119
Expiration Date: June 30, 2016

Dear Ms. Kaufmann:

This letter is official notification that an informal conference of the Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") will be held on **August 4, 2015, at 1:00 p.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 Committee of the Joint Boards. 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 be in violation of an Order of the Committee of the Joint Boards entered December 11, 2013 ("Committee of the Joint Boards' Order").

Specifically:

1. You may be in violation of Term No. 3 of the Committee of the Joint Boards' Order, which required you to submit to the Committee of the Joint Boards a written report from the prescribing practitioner for any prescription for a Schedule II-IV controlled substance within 10 days of the date the medication is prescribed, as evidenced by the following:
 - a. You did not submit a report for a prescription for oxycodone/acetaminophen (C-II) for 14 days after the medication was prescribed.

b. You tested positive for tramadol (C-IV) on an August 19, 2014, urine drug screen although you did not provide a prescription report for three prescriptions for that medication until April 2015.

2. You may be in violation of Term No. 4 of the Committee of the Joint Boards' Order, which required you to have two supervised unannounced drug screens a quarter, to include testing for alcohol and opiates, and to have the first set of results received by the Committee of the Joint Boards within 60 days of the entry of the Order and by the last days of March, June, September and December thereafter, in that you failed to have the initial report submitted on time, and you failed to have the reports due September 30, 2014, and December 31, 2014, submitted on time.

3. You may be in violation of Term No. 5 of the Committee of the Joint Boards' Order, which required you to submit written evidence of attendance at recovery support groups along to the Committee of the Joint Boards on a quarterly basis, in that you failed to submit the reports due June 30, 2014, September 30, 2014, December 31, 2014, and March 31, 2015, on time.

4. You may be in violation of Term No. 6 of the Committee of the Joint Boards' Order, which required you to submit Self-Reports, with the first one due within 60 days of the date of entry of the Order and subsequent reports due by the last day of March, June, September and December, in that you failed to submit the reports due March 31, 2014, June 30, 2014, September 30, 2014, December 31, 2014, and March 31, 2015 on time.

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 nurse practitioner in the Commonwealth;
- 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 licenses, 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.

Committee of the Joint Boards' 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 Committee of the Joint Boards. The Committee of the Joint Boards 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 Committee of the Joint Boards, you have the right to a formal administrative hearing before the Committee of the Joint Boards.

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 Committee of the Joint Boards. The Committee of the Joint Boards may accept or modify the recommendation, or reject the recommendation. The Committee of the Joint Boards' 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 July 30, 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 August 4, 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 July 30, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after July 30, 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 of Nursing, 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,



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

GML/sts

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
David W. Kazzie, Adjudication Specialist
Tonya James, Compliance Case Manager (Case No. 161167)
Agency Subordinate