



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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

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

June 20, 2015

Amelia V. Dunn, R.N.
16901 Tranquility Drive
Sutherland, Virginia 23885

CERTIFIED MAIL
9414 7266 9904 2003 1963 72

RE: VA License No.: 0001-222202
Expiration Date: January 31, 2017

Dear Ms. Dunn:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **August 20, 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 professional nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice professional nursing due to mental illness, as evidenced by the following:
 - a. From on or about November 17, 2014 through December 4, 2014, you received inpatient treatment at the MCV Hospitals of the VCU Health System, Richmond, Virginia for major depressive disorder, hearing voices, and suicidal ideations with a plan to carry out your intentions.
 - b. From on or about January 3, 2015 through January 9, 2015, you received inpatient treatment at MCV Hospitals of the VCU Health System for worsening depression and suicidal ideations. Your discharge diagnosis was major depressive disorder.

c. From on or about March 29, 2015 through April 2015, you received inpatient treatment at Southside Regional Medical Center, Petersburg, Virginia for suicidal ideations, depression, and hallucinations.

d. Beginning on or about January 21, 2015, you have been receiving psychiatric and medication management treatment at District 19 Community Services Board, Petersburg, Virginia.

e. You have a long history of treatment for mental illness, including an admission to Poplar Springs Hospital, Petersburg, Virginia over 14 years ago for mania and attempted suicide with a diagnosis of bipolar disorder.

2. You may have violated § 54.1-3007(6) of the Code, in that you may be unsafe to practice professional nursing due to chemical dependency, as evidenced by your admitted history of substance abuse including a self-described addiction to crack cocaine during your early twenties and using cocaine between about May 2014 through November 2014

3. You may have violated § 54.1-3007(2), (5), and (8) of the Code and 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing ("Regulations") in that, during the course of your employment with Waverly Health and Rehabilitation Center, Waverly, Virginia, from on or about July 31 through August 4, 2014, you failed to document medication administration for several residents.

4. You may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on your application for employment with Waverly Health and Rehabilitation Center, dated June 9, 2014, you wrote that your reason for leaving employment with Heaven Sent was "interest in career move," when, in fact, your employment with Heaven Sent had been terminated on May 19, 2014 due to performance and documentation issues.

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 professional nursing 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 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.

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 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 August 14, 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 20, 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 August 14, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after August 14, 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 that reads "Gloria Mitchell-Lively". The signature is written in a cursive style with a large initial "G".

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
Amy E. Weiss, Adjudication Specialist
Ann S. Hardy, R.N., Senior Investigator (Case nos. 160497 and 161277)
Agency Subordinate
Peggy Wood, Monitoring Program Manager