



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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Virginia Board of Nursing
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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

June 12, 2015

Susan Nelson, R.N.
4205 Deep Creek Boulevard
Portsmouth, Virginia 23702

CERTIFIED MAIL
9414 7266 9904 2003 2036 29

RE: VA License No.: 0001-234683
Expiration Date: May 31, 2017

Dear Ms. Nelson:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **July 7, 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:

1. You may have violated § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that by your own admission, beginning in or about August 2013, during the course of your employment with Bon Secours Maryview Medical Center, Portsmouth, Virginia, you diverted Dilaudid (hydromorphone, C-II) for your own personal and unauthorized use, as evidenced by the following:

a. On or about July 1, 2014, you removed Dilaudid 1mg for Patient A. You failed to chart the administration of the narcotic in the patient's Medication Administration Record ("MAR"), and you failed to return or waste the medication in the Pyxis machine.

b. On or about July 7, 2014, at 1619 and 2002, you removed Dilaudid 1mg for Patient B. You failed to document administration of the medication in the patient's MAR. Further, you documented wasting the medication withdrawn from the Pyxis at 1619, at 2000.

c. Between on or about July 13, 2014, and July 23, 2014, you were the only nurse to sign out and administer Dilaudid to Patient C. On or about July 23, 2014, you failed to document the administration of the narcotic in Patient C's MAR.

2. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice professional nursing due to substance abuse as evidenced by the following:

a. On or about August 1, 2014, you entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"), in which you acknowledged a substance abuse problem. On or about September 8, 2014, and January 24, 2015, you entered into Recovery Monitoring Contracts with the HPMP, where you again acknowledged that you that you have a substance abuse problem.

b. On or about May 15, 2015, you were dismissed from the HPMP for noncompliance with your Recovery Monitoring Contract. Specifically, on or about January 27, 2015, you submitted a diluted specimen, on or about April 15, 2015, you missed screening, and on or about April 16, 2015, you stopped calling the drug screen test line.

Please see Attachment I for the names of the patient 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; 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.

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 June 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 July 7, 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 June 30, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after June 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, 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

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Cynthia E. Gaines, Adjudication Specialist
Kim Martin, R.N., Senior Investigator (Case No. 158314)
Agency Subordinate
Peggy Wood, Monitoring Program Manager