



# 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

August 13, 2015

Tammy Goodwin, L.P.N.  
6600 Al Philpott Hwy.  
Martinsville, VA 24112

**CERTIFIED MAIL**  
**9414 7266 9904 2028 4922 51**

RE: VA License No.: 0002-069122  
Expiration Date: June 30, 2016

Dear Ms. Goodwin:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **September 8, 2015, at 2:00 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 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 practical 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), (e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations") in that you diverted narcotic medication for your personal and unauthorized use, as evidenced by the following:

a. During the course of your employment at Golden Living Center, Martinsville, Virginia, on or about May 17, 2015, you received and signed for a package of 30 Norco (hydrocodone, C-II) tablets for Resident A; however, the medications and sign-out sheet could not be located afterwards.

b. During the course of your employment at Blue Ridge Rehab Center, Martinsville, Virginia, from on or about October 9, 2014 to on or about December 26, 2014, you diverted oxycodone (C-II) for your personal and unauthorized use, as evidenced by the following:

i. On or about October 9 and 16, 2014, you documented withdrawing one oxycodone tablet for Resident B; however, you failed to document administration.

ii. On or about October 14, 2014, you documented withdrawing one tablet at 8:00 p.m. for Resident B, and documented administering the tablet at 7:00 p.m.

iii. You documented two instances of withdrawing one tablet for Resident B on October 18, 2014; however, you documented administering one tablet on October 18 and one on October 19, 2014.

iv. On or about October 23 and 24, 2014, using a permanent black marker, you altered the controlled drug record for oxycodone for Resident C and changed the sign out dates from July to October.

v. On or about December 5, 2014, you documented withdrawing two oxycodone tablets for Resident D at 4:00 p.m. and 10:00 p.m.; however, she was ordered one tablet every six hours as needed for pain.

2. You may have violated § 54.1-3007(6) of the Code in that on or about December 26, 2014, you tested positive for oxycodone for which you did not have a valid prescription.

3. You may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on or about January 6, 2015, you presented a fraudulent medical document to management at Blue Ridge Rehab Center stating that you were prescribed Percocet (oxycodone/APAP) and excusing you from work for several days in December 2014.

Please see Attachment I for the name of the residents 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;
- 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 September 1, 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 8, 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 1, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after September 1, 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 this 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 Joseph, Deputy Director, Administrative Proceedings Division  
Tammie D. Jones, Adjudication Specialist  
Lisa Elgin, Senior Investigator (Case no. 161066)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager