



COMMONWEALTH of VIRGINIA

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Director

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Virginia Board of Nursing
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Executive Director

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

July 30, 2014

Meagan Nozzarella, R.N.
1005 Deaton Court
Chesapeake, Virginia 23323

CERTIFIED MAIL
7196 9008 9111 9196 6498

RE: VA License No.: 0001-191738
Expiration Date: May 31, 2015

Dear Ms. Nozzarella:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **September 4, 2014, 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), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that during the course of your employment with Children’s Hospital of the King’s Daughters, Norfolk, Virginia (“CHKD”):

a. On at least two occasions between February and July 2010, you were impaired while on duty, acting “drugged,” “drifting off,” and exhibiting pinpoint pupils. On or about July 25, 2010, you submitted to a drug screen that was positive for morphine (Schedule II), for which you did not have a prescription.

b. You diverted morphine from hospital supplies for your personal and unauthorized use, as evidenced by the following:

i. On or about March 21, 2010, Patient A was ordered morphine 5mg/1mL via PCA. You removed morphine 10mg/1ml at 2330 hours for Patient A and documented wasting 6mg. The nurses notes indicate that you gave morphine "as ordered" at 2330, but you failed to document administering this medication on the patient's Medication Administration Record.

ii. On or about July 30, 2010, you removed morphine 2mg/1ml at 0637 hours for Patient B and documented administering 1mg/.5mL at 0650; however, you failed to document wastage of the remaining 1mg.

2. You may be in violation of § 54.1-3007(6) of the Code in that you may be unable to safely practice nursing due to substance abuse and/or mental and/or physical illness, as you acknowledged in signing a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on August 21, 2010. You were granted a stay of disciplinary action regarding the allegations of impairment at CHKD on January 24, 2011, with the expectation that you would comply with the terms and conditions of the HPMP. Your stay of disciplinary action was vacated on December 18, 2013, due to your noncompliance with the HPMP, including failing to call the toxicology test line and failing to test when directed to do so.

Please see Attachment I for the names of the patients 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.

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 29, 2014. 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 4, 2014. 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 29, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after August 29, 2014 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, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

Enclosures

Notice of Informal Conference - Meagan Nozzarella, R.N.
Page 4 of 5

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Kim Martin, Senior Investigator (Case nos. 154391, 133757)
Agency Subordinate
Peggy Wood, Monitoring Program Manager