

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ROXANNA M. CALIX, C.N.A.
Certificate Number: 1401-126112
Expiration Date: 9/30/2016
Case Number: 173942

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing ("Board") regarding your certificate to practice as a nurse aide in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board of Nursing.
DATE AND TIME:	October 4, 2016 at 10:30 a.m.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- 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 aide 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 certificate, 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 Virginia Code § 2.2-4020.

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 refer the case to a 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 and refer the case to a formal hearing. 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.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBIT:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the 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.**

FILING DEADLINES:

1. Deadline for filing exhibits: **September 27, 2016**. Submit 5 copies of all documents you want the Board to consider to Brenda Krohn, R.N., M.S., Deputy Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Brenda Krohn, R.N., M.S., Deputy Executive Director, at the above address: September 27, 2016. NOTE: the failure to object to exhibits does not deprive you of the right to contest their contents at the proceeding.

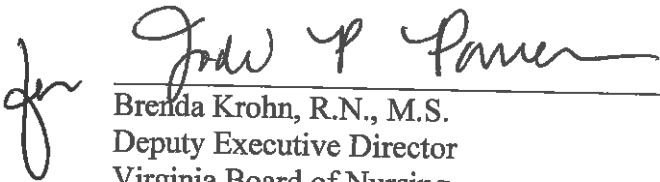
STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that:

1. At all times relevant hereto, Roxanna M. Calix, C.N.A. was certified to practice as a nurse aide in the Commonwealth of Virginia.
2. Ms. Calix violated Term Number 1(b) of the Board's Order entered September 28, 2015 ("Board's Order"), which required that, should she be prescribed any Schedule II-V controlled medications, she provide a written report to the Board within ten days of the date the drug is prescribed from the prescribing practitioner with whom she has a bona fide practitioner/patient relationship, in that a Prescription Monitoring Program Report revealed that on October 5, 2015, Ms. Calix filled a prescription for oxycodone with acetaminophen (C-II) prescribed by her dentist. Ms. Calix failed to disclose the prescription on her December 2015 and March 2016 self-reports. No prescription report was received from the prescribing practitioner.
3. Ms. Calix violated Term Numbers 1(c) and 1(g) of the Board's Order, which required her to have one supervised, unannounced random drug screen a month from a Board-approved testing entity, which includes testing for alcohol. The drug screen due on November 27, 2015 was not received by the Board. The drug screens for the months of March, April, May, and June were performed; however, the results were not released to the Board because Ms. Calix failed to pay the fees.
4. Ms. Calix violated Term Numbers 1(e) and 1(g) of the Board's Order, which required her to provide to the Board, at her direction, quarterly performance evaluations by all practice employers. Ms. Calix failed to provide the performance evaluation due November 27, 2015 to the Board. Ms. Calix provided the quarterly performance evaluation due March 31, 2016 on February 5, 2016.
5. Ms. Calix violated Term Number 1(j) of the Board's Order, which required her to provide all current and future treating practitioners with a complete copy of the Board's Order. Ms. Calix

reported to her compliance case manager that she did not provide a copy of the Board's Order to her prescribing dentist.

6. Ms. Calix violated Term Number 1(k) and 1(g) of the Board's Order, which required her to submit quarterly self-reports, in that she failed to submit self-reports due November 27, 2015 and June 30, 2016. The self-report due on March 31, 2016 was received by the Board on February 5, 2016.



Brenda Krohn, R.N., M.S.
Deputy Executive Director
Virginia Board of Nursing

August 30, 2016
Date