



# 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

April 24, 2015

Jessica Goodman, L.P.N.  
220 Shiloh Park  
Hampton, Virginia 23669

**CERTIFIED MAIL**  
**9414 7266 9904 2003 1984 82**

RE: VA License No.: 0002-084798  
Expiration Date: January 31, 2015

Dear Ms. Goodman:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **May 27, 2015 at 10:30 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 practical nursing practice in Virginia.

Specifically:

1. You may have violated §54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing in that during the course of your employment with Virginia Health Services:

a. While employed at Coliseum Convalescent & Rehabilitation, Hampton, Virginia:

i. On or about August 19, 2014, you attempted to administer medication to Resident A by repeatedly forcing a spoon against her mouth.

ii. On or about August 19, 2014, by your own admission to a Virginia Department of Health Profession's ("DHP") investigator, you administered Lortab (hydrocodone-acetaminophen, C-II) to Resident B two hours prior to the scheduled time of administration.

iii. On or about August 20, 2014, by your own admission, you administered Ativan (lorazepam, C-IV) to Resident C after the order was discontinued by the resident's physician on August 13, 2014.

iv. On or about August 20, 2014, by your own admission, you began your medication pass over an hour late and failed to timely check residents' blood sugars prior to their evening meal.

b. While employed at the James River Convalescent Center, between or about May 2012 and November 2013, you were counseled, in writing and/or verbally, approximately five times regarding medication administration, verification of medication orders and/or documentation of medication administration, as evidenced by the following:

i. On or about November 13, 2013, you failed to administer UTI STAT as ordered and failed to document the administration on the resident's medication administration record ("MAR").

ii. On or about October 9, 2013, you failed to accurately verify a new medication order for a resident and you failed to transcribe the order into the resident's MAR.

iii. On or about May 29, 2013 and May 30, 2013, you failed to accurately verify a new medication order and administer Oscal to a resident as ordered.

iv. On or about September 1, 2012, September 2, 2012, September 12, 2012 and September 21, 2012, you failed to administer Pepcid to a resident as ordered by the resident's physician and you failed to accurately document the medication administration on the resident's MAR.

v. On or about May 2, 2012, you failed to accurately verify new medication orders for two residents.

2. You may have violated §54.1-3007 (5) of the Code in that during the course of your employment with Virginia Health Services, Coliseum Convalescent & Rehabilitation, between or about May 6, 2014 and August 20, 2014, by your own admission, you repeatedly failed to follow proper procedures regarding medication wastages, including failing to have your wastages witnessed by a co-worker, as evidenced by the following:

a. On or about August 20, 2014, by your own admission to a DHP investigator and the facility, you wasted oxycodone (C-II) and Ativan without a witness.

b. On or about January 26, 2015, during an interview with a DHP investigator, you stated that you wasted narcotics three or four times previously without a witness.

3. You may have violated §54.1-3007(6) of the Code in that you may be unsafe to practice practical nursing due to substance abuse and/or mental illness, as evidenced by the following:

a. By your own admission to a DHP investigator, you have used marijuana since you

were 14 years old, and you currently smoke "maybe a blunt's worth a day."

b. By your own admission, you currently suffer from depression, anxiety and panic attacks. In addition, you were admitted to Maryview Behavioral Health Center, Portsmouth, Virginia, following a suicide attempt on or about August 13, 2009. You recently received treatment at Associates of York, Yorktown, Virginia, for medication management as well as therapy. According to your therapist at Associates of York, your prognosis is poor and you have failed to follow through with treatment.

c. On or about January 26, 2015, an investigator with the Virginia Department of Health Professions requested you submit to a urine drug screen by the end of the day. You failed to submit a sample until February 5, 2015. The sample was positive for benzodiazepines (clonazepam) and cannabinoids (THC).

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 May 15, 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 May 27, 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 May 15, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after May 15, 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

GDM/sts

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division  
Wendy Deaner, Adjudication Specialist  
Charlotte Hudson, Senior Investigator (Case No. 158922)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager