



# 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

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
FAX (804) 527-4455

Virginia Board of Nursing  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director

## NOTICE OF INFORMAL CONFERENCE

July 16, 2015

Rebecca Warner, C.N.A. Reinstatement Applicant  
145 Della Jones Drive  
Dryden, Virginia 24243

### CERTIFIED MAIL

9414 7266 9904 2003 2468 24

**Re: VA Certificate No.: 1401-147470**  
**Expiration Date: August 31, 2014**

Dear Ms. Warner:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on August 11, 2015, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will receive and act upon your application for the reinstatement of your certificate to practice as a nurse aide in the Commonwealth of Virginia, which expired on August 31, 2014, and will inquire into allegations that you may have violated certain laws and regulations governing nurse aide practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(4) of the Code in that:
  - a. On or about August 17, 2011, you were convicted of concealment/price alteration, a misdemeanor, in the Wise County and City of Norton, Virginia, General District Court.
  - b. On or about January 13, 2013, you were convicted of concealment/price alteration in the Lee County, Virginia General District Court ("Lee County General District Court").

2. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice as a nurse aide due to substance abuse and/or mental illness. By your own admission, you were addicted to oxycontin (C-II) in or about 2001 and 2002. On or about August 11, 2004, you were convicted of possession of a Schedule IV controlled substance, a misdemeanor, in the Lee County General District Court. On or about June 19, 2013, you were convicted of public swearing and intoxication in the Lee County General District Court. Finally, on or about February 10, 2014, by your own admission, you were drinking and contemplating suicide and were subsequently arrested for domestic assault and endangerment with a firearm; the case was not prosecuted contingent upon your seeking counseling.

3. You may have violated § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse aides in that by your own admission, on your application for certification by examination, received by the Board on July 28, 2011, you answered "NO" to the question "Have you ever been convicted of, pled guilty to or pled no contest to the violation of any federal, state, or other law constituting a felony or misdemeanor excluding traffic violations except convictions involving driving while intoxicated (DWI) or driving under the influence (DUI)?" when, in fact, you were convicted of possession of a controlled substance as evidenced above.

The burden rests on you to demonstrate that you are prepared to resume the safe and competent practice as a certified nurse aide.

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 Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- The Committee may reinstate your certificate to practice as a nurse aide in the Commonwealth without restriction; or
- The Committee may reinstate your certificate and place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate, reprimand you, or impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by August 4, 2015. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on 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.**

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda Krohn, R.N., M.S.", with a stylized flourish at the end.

Brenda Krohn, R.N., M.S.  
Deputy Executive Director

BK/dt

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Special Conference Committee Members  
Cynthia E. Gaines, Adjudication Specialist (Case No. 163821)  
Jeremy McNeill, Senior Investigator (Case No. 156717)  
Peggy Wood, Monitoring Program Manager