



# 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

April 24, 2015

Deborah Rector, R.N.  
112 Sherry Lane  
Galax, Virginia 24333

**CERTIFIED MAIL**  
**9414 7266 9904 2003 1985 05**

RE: VA License No.: 0001-129777  
Expiration Date: August 31, 2015

Dear Ms. Rector:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **May 27, 2015 at 1:00 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 nursing practice in Virginia.

Specifically:

1. You may have violated §54.1-3007(2), (3), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations") in that during the course of your employment with Southwestern Virginia Training Center ("SWVA"), Hillsville, Virginia, you repeatedly failed to administer medications as ordered and falsely documented medication administration, as evidenced by the following:

a. On or about August 9, 2014, you failed to administer noon medications to Clients A, B and C as ordered, and falsely documented on each client's Medication Administration Record ("MAR") that you had administered the medications.

b. On or about August 13, 2014, you failed to administer Klonopin (clonazepam, C-

IV) to Client D and you falsely documented on the Nurse Control Count Sheet that you had administered the medication.

c. On or about September 1, 2014, you failed to administer phenobarbital to Client E and you falsely documented that you had administered the medication on the Nurse Control Count Sheet and falsely documented the remaining amount of the medication.

2. You may have violated §54.1-3007(2), (3), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that during the course of your employment with SWVA Training Center you repeatedly failed to administer medications as ordered by the client's physicians, as evidenced by the following:

a. On or about July 31, 2014, by your own admission, you failed to administer Valium (diazepam, C-IV) to Client F as ordered.

b. On or about August 11, 2014, you failed to administer Vitamin D, a weekly Medication, to Client G as ordered.

c. On or about August 15, 2014, you failed to administer Klonopin to Client D as ordered.

d. On or about September 2, 2014, by your own admission, you failed to administer two noon medications to Client H as ordered.

e. On or about September 2, 2014, by your own admission, you failed to administer seven morning medications to Client B as ordered.

3. You may be in violation of §54.1-3007(6) of the Code in that you may be unsafe to practice nursing due to substance abuse, as evidenced by the following:

a. On or about August 18, 2008 and July 22, 2013, you were convicted of misdemeanor driving under the influence of alcohol in the City of Galax, Virginia, General District Court.

b. On or about August 20, 2014, you were charged with one count of appearing in public in an intoxicated condition in the City of Galax, General District Court; your charge is currently under advisement until May 18, 2015.

c. On or about August 20, 2014, by your own admission, you were under the influence of alcohol when you called your former co-workers to confront them concerning their allegations and statements about events at SWVA Training Center.

d. On or about December 15, 2014, you called three former co-workers and threatened

to take court action against them regarding incidents at SWVA Training Center. You were described by each co-worker as having slurred speech.

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

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division  
Wendy Deaner, Adjudication Specialist  
Jennifer Baker, Senior Investigator (Case No. 158926)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager