



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

April 24, 2015

Susannah Arnold, R.N.
241 Boxwood Street
Glade Spring, Virginia 24340

CERTIFIED MAIL
9414 7266 9904 2003 1985 98

RE: VA License No.: 0001-213851
Expiration Date: April 30, 2015

Dear Ms. Arnold:

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), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e), (f) and (k) of the Regulations Governing the Practice of Nursing (“Regulations”) in that, during the course of your employment with NHC Healthcare of Bristol, Bristol, Virginia, you diverted medications, including narcotics and controlled substances, and falsely documented medication administration, as evidenced by the following:

a. On or about November 20, 2014, you documented on Patient A’s Medication Administration Record (“MAR”) that you administered medications, including controlled substances and narcotics, at approximately 9:00 p.m. However, the patient’s medications were not delivered from the pharmacy until approximately 9:50 p.m. that night. Furthermore, the alert and oriented patient stated that he did not receive any medications until November 21, 2014 at 3:00 a.m., and that he refused one of the medications documented as being administered.

b. On or about November 21, 2014, you documented on Patient A's Narcotic Inventory Record that you administered Oxycodone IR (C-II) at 1:00 a.m.; however, you documented on the patient's MAR that you administered the medication at 12:00 a.m. Furthermore, the patient stated that he did not receive any medications until November 21, 2014 at 3:00 a.m.

c. On or about November 22, 2014, you documented on Patient B's MAR that you administered Lortab (hydrocodone-acetaminophen, C-II), one tablet every four hours as needed for pain, at 5:52 a.m.; however, you documented on the Narcotic Inventory Record that you administered the medication at 5:00 a.m. In addition, you failed to follow facility protocol and documented that you had administered the medication without scanning the medication and failed to give any explanation regarding the deviation from protocol. When a co-worker took over your assignment at approximately 8:00 a.m., the patient, whose pain was normally well controlled with prescribed pain medication, was crying out in pain.

d. On or about November 22, 2014, you documented on Patient C's MAR that you administered oxycodone IR (C-II), one tablet every eight hours as needed for pain, at 4:22 a.m. and you made a note that you actually administered the medication at 1:00 a.m. However, you documented on the PRN Administration Report that you administered the medication at 2:00 a.m. Furthermore, you failed to follow facility protocol in that you documented that you had administered the medication without scanning the medication and without any explanation given for doing so. When a co-worker took over your assignment at approximately 8:00 a.m. the patient, whose pain was normally well controlled with prescribed pain medication was crying out in pain.

2. You may have violated §54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (f) and (k) of the Regulations in that:

a. During the course of your employment with Maxim Healthcare Services, Abingdon, Virginia, on or about March 1, 2014, you diverted approximately 22 tablets of Klonopin (clonazepam, C-IV) from Patient E for your own personal and/or unauthorized use.

b. During the course of your employment with American Home Care, Abingdon, Virginia, on two occasions, between or about April 2014 and May 2014, you diverted over 20 tablets of Percocet (oxycodone, C-II) from Patient F for your own personal and/or unauthorized use.

3. You may have violated §54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that:

a. On your application for employment with NHC Healthcare, dated September 16, 2014, you falsely indicated that your reason for leaving Blue Ridge Job Corps, Marion, Virginia, was because of favoritism in the workplace. However, your employment as a Career Technical Instructor was terminated on September 20, 2013, for allowing unqualified C.N.A. students to perform clinical rotations.

b. On your application for employment with American Home Care, dated on or about

March 17, 2014, you falsely indicated that your reason for leaving Blue Ridge Job Corps was because of favoritism and an inability to advance and practice your licensed skills. However, your employment was terminated on September 20, 2013.

c. On your application for employment with Maxim Healthcare Services, dated October 3, 2013, you falsely indicated that your reason for leaving Blue Ridge Job Corps was because of “lack of nursing skill.” However, your employment was terminated on September 20, 2013.

4. You may have violated §54.1-3007(6) of the Code in that you may be unsafe to practice nursing due to substance abuse in that, during the course of your employment with NHC Healthcare:

a. Between or about September 16, 2014 and November 24, 2014, you exhibited drug-seeking behavior in that, on a daily basis, you repeatedly asked the medication nurses for their keys to the medication carts and repeatedly asked to pass medications. You became upset if you were not assigned to pass medications and requested that other staff allow you to pass medications for them.

b. On or about November 6, 2014, you tested positive for opiates and amphetamine on a urine drug screen. You were asked to provide the facility with recent prescriptions to justify the results and you failed 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.

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 18, 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 18, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after May 18, 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,

A handwritten signature in cursive script that reads "Gloria Mitchell-Lively".

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
Robin Carroll, Senior Investigator (Case No. 160566)
Agency Subordinate
Peggy Wood, Monitoring Program Manager