



COMMONWEALTH of VIRGINIA

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Director

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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

September 26, 2014

Tara Foreman, L.P.N., C.N.A.
6335 Wellington Street, Apt. B
Norfolk, Virginia 23513

CERTIFIED MAIL
9414 7266 9904 2003 2328 65

RE: VA License No.: 0002-088798
Expiration Date: January 31, 2015

Certificate No.: 1401-117381
Expiration Date: January 31, 2014

Dear Ms. Foreman:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **October 16, 2014 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 practice as a practical nurse and/or as a certified nurse aide in Virginia.

Specifically,

1. You may have violated §54.1-3007(2), (5), and (8) of the Code, 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing and 18 VAC 90-25-100(2)(d) and (e) of the Regulations Governing Certified Nurse Aides, in that during the course of your employment with Continuum Pediatric Nursing, Chesapeake, Virginia:

a. On or about December 21, 2013 you were scheduled to work 7:00 a.m. to 11:00 p.m. at your assigned pediatric patient’s residence. By your own admission, you did not work on that date. You documented nurse’s notes and time sheets as if you had worked your entire shift. In

addition, you documented on the medication record that you had administered the patient's medications throughout the day.

b. On or about December 28, 2013 you were scheduled to work 7:00 a.m. to 11:00 p.m. at your assigned pediatric patient's residence. By your own admission you left the home at 9:00 p.m. You submitted time sheets indicating you had worked your entire shift and your nurse's notes were documented through 11:00 p.m. In addition, you failed to document administration of the patient's medications on the medication record.

c. On or about January 4, 2014 you were scheduled to work 7:00 a.m. to 11:00 p.m. at your assigned pediatric patient's residence. By your own admission you left the home at 9:00 p.m. You submitted time sheets indicating you had worked the entire shift and your nurse's notes were documented through 11:00 p.m.

2. You may have violated §54.1-3007(2), (5) and (8) of the Code, 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing, in that on or about December 7, 2013, December 8, 2013, December 14, 2013, December 15, 2013 and December 22, 2013 you failed to document administration of medications on the patient's medication record.

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 as a practical nurse and/or as a certified nurse aide;
- 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 and/or 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 § 2.2-4020 of the Code.

If the agency subordinate finds that there is sufficient evidence to find you in violation of the above charge(s) and § 54.1-3007(8) of the Code, the agency subordinate shall recommend that the Board make a finding of abuse, neglect, or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit your future employment as a certified nurse aide in any long term care facility that receives Medicare or Medicaid reimbursement.

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 October 9, 2014. 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 October 16, 2014. 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 October 9, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after October 9, 2014 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, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Wendy Deaner, Adjudication Specialist
Meghan Wingate, Senior Investigator (Case No. 155406 & 155408)
Agency Subordinate