



# COMMONWEALTH of VIRGINIA

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Director

Department of Health Professions  
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Virginia Board of Nursing  
Jay P. Douglas, RN, MSM, CSAC  
Executive Director

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July 30, 2010

Deborah S. Guill, R.N.  
4147 Whitmell School Road  
Dry Fork, VA 24549

**CERTIFIED MAIL**  
**71603901984862903703**

**Re: License No.: 0001-159136**  
**Expiration Date: December 31, 2010**

Dear Ms. Guill:

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 25, 2010, at 10:30 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 inquire into allegations that you may have violated certain laws and regulations governing professional nursing practice in Virginia and an Order of the Board entered December 10, 2009.

Specifically:

1. You may have violated Term No. 2 of the Board’s Order, which required you to maintain a course of conduct in your capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations, § 54.1-3007(2), (5), and (8) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”) in that you diverted medications for your personal and unauthorized use as evidenced by the following:

a. During the course of your employment with Interim Healthcare, Roanoke, Virginia on or about April 14, 2010, you went to the home of Patient A on a Personal Care Aide (“PCA”) supervisory visit and

asked to review her medications, which was not part of your duties and which you were not authorized to do. After you left Patient A's home, Patient A's bottle of clonazepam (Schedule IV) was missing.

b. During the course of your employment with Interim Healthcare, on or about April 19, 2010, you went to the home of Patient B for a PCA supervisory visit and asked to review her medications, which was not part of your duties and which you were not authorized to do. After you left Patient B's home, Patient B's Percocet (oxycodone, Schedule II) and Valium (diazepam, Schedule IV) were missing.

c. During the course of your employment with Team Nurse, Gretna, Virginia, on or about February 22, 2010, you went to the home of Patient C for a PCA supervisory visit and asked to review her medications, which was not part of your duties and which you were not authorized to do. After you left Patient C's home, Patient C's Xanax (alprazolam, Schedule IV) was missing.

2. You may have violated Term No. 1(b) of the Board's Order, which required you to comply with the recommendations of your current psychiatrist, in that on or about February 9, 2010, you submitted a urine screen that was positive for oxazepam, a medication that was not prescribed by your current psychiatrist.

3. You may have violated Term No. 2 of the Board's Order, §54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on your employment application to Team Nurse, dated December 31, 2009, you failed to disclose that your employment was terminated by Women's Hospital of Greensboro, Greensboro, North Carolina, in January, 2009.

4. You may have violated § 54.1-3007(2), (5), and (8) of the Code, and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations in that during the course of your employment with Piney Forest Healthcare Center, Danville, Virginia, you diverted morphine (Schedule II) for your personal and unauthorized use as evidenced by the following:

a. On or about September 4, 2009, you were observed trying to open sharps containers containing vials of morphine. When the sharps containers were later examined, the morphine was missing.

b. On or about March 17, 2009, you signed out morphine for Patient D. However, you did not document administering the medication, and Patient D reported that she did not receive the medication.

5. You may be in violation of § 54.1-3007(6) of the Code in that you may be unsafe to practice due to substance abuse as set forth in Allegations Nos. 1, 2, and 4 herein and as evidenced by the following:

a. From on or about October, 2007, to November, 2007, by your own admission, you were treated at Pathways Treatment Center, Lynchburg, Virginia, for opioid addiction.

b. On several occasions between March, 2009, and February, 2010, co-workers have observed you falling asleep on duty, stumbling, and acting bizarrely. Furthermore, on two occasions you were terminated from employment, in part, for falling asleep while on duty.

c. On or about April 25, 2010, you were treated at Danville Regional Medical Center, Danville, Virginia, for burns to your right leg. It was noted in your medical record that a family member informed hospital staff not to give you pain medications because you are addicted to narcotics.

Please see Attachment I for the name of the patients referred to above.

In its deliberations, the Committee 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.

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:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you;
- The Committee may modify a previous order; or
- The Committee may 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) 367-4576, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

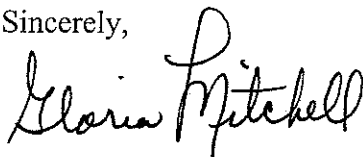
To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by August 18, 2010. Your documents may not be submitted 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,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.  
Deputy Executive Director, Discipline

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Special Conference Committee Members  
James E. Rutkowski, Adjudication Specialist  
Gerald Canaan II, Esq., 4701 Cox Road, Suite 400, Richmond VA 23060  
Rachel Shaw, Senior Investigator (Case no. 131708, 131818)  
Peggy Wood, Monitoring Program Manager