



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

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Virginia Board of Nursing  
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### AMENDED NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

February 9, 2015

Holly Kendig, R.N.  
1021 Purrington Court  
Virginia Beach, Virginia 23454

**CERTIFIED MAIL**  
**9414726699042003245520**

748 Goodard Drive  
Virginia Beach, Virginia 23454

**CERTIFIED MAIL**  
**9414726699042003245513**

RE: VA License No.: 0001-230645  
Expiration Date: August 31, 2015

Dear Ms. Kendig:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **March 31, 2015, 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 into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. During the course of your employment with Sentara Virginia Beach Hospital, Virginia Beach, Virginia, 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 Governing the Practice of Nursing in that you diverted controlled medications and falsified patient records, as evidenced by the following:

- a. On or about February 23, 2014 at 7:55 p.m., and February 24, 2014 at 1:52 a.m., 3:27 a.m., and 6:41 a.m., you withdrew morphine 5mg for Patient A and failed to document administration or wastage.
- b. On or about February 28, 2014 at 7:43 p.m., and March 1, 2014 at 4:23 a.m., you withdrew hydromorphone 1mg for Patient B and failed to document administration or wastage.
- c. On or about March 8, 2014 at 8:53 p.m. and 8:54 p.m., and March 9, 2014 at 7:22 p.m. and 11:29 p.m., you withdrew hydromorphone 0.5mg for Patient C and failed to document administration or wastage.
- d. On or about April 6, 2014 at 8:12 p.m., you withdrew dilaudid 1mg for Patient D and failed to document administration or wastage.
- e. On or about April 9, 2014 at 1:14 a.m. and 5:25 a.m., you withdrew morphine 4mg for Patient E and failed to document administration or wastage.
- f. On or about April 20, 2014 at 7:37 p.m. and 9:51 p.m., and April 21, 2014 at 7:16 a.m., you withdrew hydromorphone 1mg for Patient F and failed to document administration or wastage.
- g. On or about May 12, 2014 at 7:21 p.m. and 9:18 p.m., you withdrew hydromorphone 1mg for Patient G and failed to document administration or wastage. At 7:22 p.m., you withdrew two oxycodone 5mg tablets for Patient G and failed to document administration or wastage. At 10:38 p.m., you withdrew lorazepam 1mg for Patient G, documented administering 0.5ml and documented wasting .75ml.
- h. On or about May 13, 2014 at 2:04 a.m., you withdrew two oxycodone 5mg tablets for Patient G and documented administration at 2:07 a.m. You also documented wasting two 5mg tablets at 4:24 a.m. At 7:36 p.m., you withdrew hydromorphone 1mg for Patient G and failed to document administration or wastage. At 7:36 p.m., you withdrew two oxycodone 5mg tablets for Patient G and failed to document administration or wastage. At 7:37 p.m., you withdrew two zolpidem 5mg tablets for Patient G and failed to document administration or wastage.
- i. On or about May 14, 2014 at 1:16 a.m., you withdrew lorazepam 1ml for Patient G and documented administering 0.5ml at 1:48 a.m. You also documented wasting 1ml at 5:28 a.m. and .75ml at 5:29 a.m. At 1:23 a.m., you withdrew hydromorphone 1mg for Patient G and at 5:29 a.m., you documented wasting .50ml. You failed to document administration.
- j. On or about May 13, 2014 at 7:43 p.m., you withdrew hydromorphone 1mg for Patient H and failed to document administration or wastage. On or about May 14, 2014 at 1:22 a.m., you withdrew hydromorphone 1mg for Patient H and at 5:30 a.m., you documented wasting .50ml. You failed to document administration.

k. On or about May 12, 2014 at 9:18 p.m., you withdrew hydromorphone 1mg for Patient I and failed to document administration or wastage.

l. On or about May 13, 2014 at 9:18 p.m., and May 14, 2014 at 3:10 a.m., you withdrew one oxycodone 5mg tablet for Patient J and failed to document administration or wastage.

m. On or about May 17, 2014 at 7:41 p.m., you withdrew lorazepam 2mg for Patient K. You documented 1mg administered at 9:26 p.m. and failed to document wastage. On or about May 18, 2014 at 2:43 a.m., you withdrew lorazepam 2mg for Patient K and failed to document administration or wastage.

n. On or about May 18, 2014 at 7:32 p.m. and 10:01 p.m., you withdrew hydromorphone 1mg for Patient L and failed to document administration or wastage.

o. On or about May 17, 2014 at 6:55 p.m. and 7:26 p.m., you withdrew hydromorphone 1mg for Patient M and failed to document administration or wastage.

p. On or about May 18, 2014 at 7:30 p.m., you withdrew hydromorphone 1mg for Patient N and failed to document administration or wastage.

2. During your employment with Mary Immaculate Hospital, Newport News, Virginia ("Mary Immaculate"), on or about December 12, 2014, you may have violated § 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 in that you diverted controlled medications, as evidenced by the following:

a. You withdrew two 1mg vials of Dilaudid (hydromorphone Schedule II), tampered with the vials, and returned them to the drawer with less medication.

b. You withdrew lorazepam 1mg (Schedule IV) and failed to document administration or wastage.

c. You withdrew two units morphine 2mg (Schedule II) and failed to document administration or wastage.

3. You may have violated § 54.1-3007(6) of the Code in that you are unsafe to practice due to substance abuse. On or about December 12, 2014, during the course of your employment with Mary Immaculate, you submitted to a for-cause urine drug screen that was positive for amphetamines, marijuana metabolites, morphine, and hydromorphone. You only had a current prescription for Adderall (amphetamine/dextroamphetamine, Schedule II).

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; or

- 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. The exhibit packet for allegations 1(a)-(p) has previously been mailed to you and is not included. **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 **March 26, 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 **March 31, 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 March 26, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after March 26, 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 this office, at (804) 367-4543.

Sincerely,

  
Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.  
Deputy Executive Director

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Amy E. Weiss, Adjudication Specialist  
Kim Martin, R.N., Senior Investigator (Case no. 160833, 157178)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager  
Carole Schriefer, Esquire