



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

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
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March 17, 2015

Amy Cherry, R.N., R.M.A., C.N.A.
3342 Yellow Sulphur Road
Blacksburg, VA 24060

CERTIFIED MAIL
9414 7266 9904 2003 1978 67

Re: R.N. License No.: 0001-253033
Expiration Date: October 31, 2015

R.M.A. Registration No.: 0031-006453
Expiration Date: October 31, 2014

C.N.A. Certificate No.: 1401-131304
Expiration Date: July 31, 2014

Dear Ms. Cherry:

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 **April 14, 2015, at 1:00 p.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, medication aide practice, and nurse aide practice in Virginia.

Specifically:

1. You may be in violation of § 54.1-3007(6) of the Code in that you may be unable to safely practice professional nursing and/or as a medication aide and/or as a nurse aide due to substance abuse as evidenced by the following: you were convicted of driving under the influence in 1996, 2007, and 2014; you attend Alcoholics Anonymous; and you have violated the terms of your probation related to your most recent conviction by testing positive for alcohol on a vehicle ignition interlock system on two occasions.

2. You may have violated § 54.1-3007(1) of the Code, 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides, and 18 VAC 90-60-120(1)(b) of the Regulations Governing the Registration of Medication Aides in that on your March 26, 2009, application for certification as a nurse aide and on your August 7, 2012, application for registration as a medication aide, you failed to disclose your 1996 conviction for driving under the influence.

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 and/or as a nurse aide and/or as a medication aide 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 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) 367-4502, 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 April 9, 2014. 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-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

GDM/sts
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
David W. Kazzie, Adjudication Specialist
Jeremy McNeill, Senior Investigator (Case Nos. 158360, 158362, 158363)
Peggy Wood, Monitoring Program Manager