



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.state.va.us/
TEL (804) 662-9900
FAX (804) 662-9943
TDD (804) 662-7197

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

June 13, 2003

Board of Nursing (804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9512

Dawn M. Muth, C.R.N.A.
5500 Creek Crossing Drive
Midlothian, VA 23112

CERTIFIED MAIL
71603901984423168589

RE: 0001-138400 Exp. 11/30/2004
0024-165057 Exp. 11/30/2004

Dear Ms: Muth:

This is official notification that an Informal Conference will be held, pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-110 of the Code of Virginia (1950), as amended ("the Code"), and 18 VAC 90-30-230(A) and (B) of the regulations governing the licensure of nurse practitioners, before a Special Conference Committee of the Committee of the Joint Boards of Nursing and Medicine; and pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-3010 of the Code, before a Special Conference Committee of the Board of Nursing, on **August 27, 2003, at 10:30 a.m.**, in the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia.

A Special Conference Committee comprised of three (3) members of the Committee of the Joint Boards of Nursing and Medicine will inquire into allegations that you may have violated certain laws and regulations governing the practice of licensed nurse practitioners in Virginia. A Special Conference Committee comprised of two (2) members of the Board of Nursing will inquire into allegations that you may have violated certain laws and regulations governing the practice of professional nursing in Virginia. Specifically:

1. You hold License No. 0001-138400 issued by the Board of Nursing, to practice professional nursing in the Commonwealth. You also hold License No. 0024-165057 to practice as a licensed nurse practitioner in the category of nurse anesthetist, issued by the Committee of the Joint Boards of Nursing and Medicine.
2. During the course of your employment with Commonwealth Anesthesia Associates, P.C., Richmond, Virginia, you may have violated § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-30-220(4) and (5) of the regulations governing the licensure of nurse practitioners in the

3. *Virginia Board of Nursing 1903 – 2003*
Regulating Nursing – Protecting The Public

Board of Audiology & Speech - Language Pathology - Board of Dentistry - Board of Funeral Directors & Embalmers - Board of Medicine - Board of Nursing
Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine
Board of Health Professions

Commonwealth of Virginia, in that:

- a) On Saturday, November 16, 2002, you were the nurse anesthetist on-call for the CJW Medical Center. Between 4:30p.m. and 5:00p.m., you consumed an alcoholic beverage. At approximately 5:00p.m., you were paged and subsequently, reported to the hospital to assist with two (2) cases.
- b) On or about December 2, 2002, during a meeting with your employer, you admitted consuming two (2) drinks on the above-referenced date and stated, "by the time I got to the hospital I was sober," or words to that effect.
- c) As a result of this incident, you were allowed to resign from employment.

You may be represented by an attorney at the Informal Conference. Since the allegations listed above involve impairment, please be advised of the availability of making application to the Health Practitioners' Intervention Program ("Program") which is available to all health care practitioners licensed in Virginia. A brochure about the program is enclosed. Should you enter into a written agreement with the Program prior to your Informal Conference, the Committee will take that into consideration and could, among other options, decide to close your case with no disciplinary action.

Should you decide not to enter into a written agreement with the Program prior to your meeting, the Special Conference Committee of the Committee of the Joint Boards of Nursing and Medicine is authorized to take the following actions:

1. 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 as a licensed nurse practitioner in the Commonwealth;
2. The committee may place your license on probation with such terms as it may deem appropriate;
3. The committee may reprimand you;
4. The committee may refer the case to the Committee of the Joint Boards of Nursing and Medicine for a formal hearing. If the Special Conference Committee is of the opinion that a suspension or revocation of your license may be justified, the committee may offer you a consent order in lieu of a formal hearing.

The Special Conference Committee of the Board of Nursing is authorized to take the following actions:

1. 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 professional nursing in the Commonwealth;
2. The committee may place your license on probation with such terms as it may deem appropriate;

3. The committee may reprimand you;
4. The committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
5. The committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Special Conference Committee is of the opinion that a suspension or revocation of your license may be justified, the committee may offer you a consent order in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committees will proceed to hear the case in your absence, and may take any of the actions outlined above.


At least ten (10) days prior to the scheduled date of the conference; please inform this office of your telephone number and whether you intend to appear at the conference. This can be done by calling our offices at (804) 662-9950 or by sending us a letter at the address listed above.

If you have any additional documents to be presented to the Special Conference Committees, **please bring seven (7) copies of each document with you.**

You have the right to information which will be relied upon by the Board in making a decision. Therefore, I enclosed a copy of the documents which will be distributed to the members of the Special Conference Committees and will be considered by the Committees 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, and must be claimed at the post office.**

Enclosed you will find copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as the laws and regulations relating to the practice of nursing in Virginia.

Sincerely,



Susan Bell Rosen, R.N., F.N.P., J.D.
Deputy Executive Director, Discipline

SBR/th/dl
Enclosures

cc: Robert A. Nebiker, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Members, Special Conference Committees
Vicki Gwaltney Garrison, Senior Investigator
Tammie D. Hall, Senior Adjudication Analyst