



# COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
Director

## Department of Health Professions

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Virginia Board of Nursing  
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Executive Director

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### NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

May 22, 2013

Lynette Pries, L.P.N. Applicant  
4651 Hope Valley Road, Apt. D  
Durham, North Carolina 27707

**CERTIFIED MAIL**  
**71603901984922010648**

Dear Ms. Pries:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **June 20, 2013, at 2:00 p.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(7) and (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 consider your application for licensure by endorsement as a practical nurse and will inquire into allegations that you may have violated certain laws and regulations governing nursing 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 practical nursing due to substance abuse or mental illness as evidence by the following:
  - a. On or about August 5, 2008, you were convicted of operating a vehicle while intoxicated in the Massillon Municipal Court, Stark County, Ohio.
  - b. After attending Phoenix Rising Behavioral Healthcare and Recovery, Canton, Ohio, in November, 2008, your discharge diagnosis included major depression and a history of alcohol abuse and marijuana abuse.

2. You may have violated § 54.1-3007(7) of the Code in that by Order dated November 19, 2010, the Arizona Board of Nursing ("Arizona Board") denied your application for licensure as a practical nurse based on your failure to obtain a relapse/recovery evaluation by a Board-approved psychologist within 45 days of the Arizona Board's vote to continue the case, which occurred on November 19, 2009.

3. You may have violated § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing in that on your application for licensure by endorsement as a practical nurse, you answered "no" to the question whether you have a chemical dependency condition that could interfere with your current ability to practice nursing despite your history of substance abuse and mental illness as referenced above.

The burden rests on you, as the applicant, to demonstrate that you meet the requirements of § 54.1-3020 of the Code.

The Board hereby offers to enter into the enclosed Consent Order with you in lieu of an informal conference in this matter. Please review this document, and should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your witnessed signature to the Board office on or before *June 13, 2013*. Upon its receipt in the Board office, the Consent Order will be entered and the informal conference will be cancelled. You will receive a certified copy of the Consent Order, bearing the date of entry, shortly thereafter. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on June 13, 2013, the Board will proceed with the informal conference as scheduled.

After consideration of all information, the agency subordinate may:

- Approve your application for licensure by endorsement;
- Recommend to the Board that your application be approved with a reprimand, a monetary penalty, or terms and conditions, which may include placing you on probation;
- Recommend to the Board that your application be denied;

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. **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.**

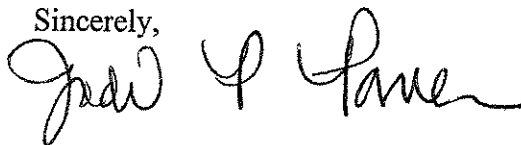
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by **June 13, 2013**. Your documents may not be submitted by facsimile or email.

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 June 20, 2013. 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 June 13, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after June 13, 2013, 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 me, at (804) 367-4614.

Sincerely,



Jodi P. Power, R.N., J.D.  
Deputy Executive Director

JPP/fdb  
Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division  
James E. Rutkowski, Adjudication Specialist (Case No. 150248)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager