



COMMONWEALTH of VIRGINIA

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Executive Director

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

February 2, 2007

Jennifer Presley, R.N.
763 Canterbury Drive
Ruther Glen, VA 22546

CERTIFIED MAIL
71603901984942380172

Re: License No.: 0001-110948
Expires: June 30, 2008

Dear Ms. Presley:

This letter is official notification that an informal conference of the Virginia Board of Nursing will be held on **March 6, 2007, at 1:00 p.m.**, at 6603 West Broad Street, Fifth Floor, Richmond, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(7) 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 inquire into allegations that you may have violated certain laws governing the practice of professional nursing in Virginia. Specifically:

1. You may be in violation of § 54.1-3007(6) of the Code in that, by your own report, you have had a "history of alcoholism" for almost 20 years. You have acknowledged to the Department of Health Professions ("DHP") Investigator how destructive alcoholism has been to your life. You entered an alcohol treatment program at Lewis Gale Hospital, Roanoke, Virginia, in 1989. In 1992, you signed a Consent Order with the Board of Nursing in which you agreed to attend AA meetings and have random urine screenings performed as terms of your Probation. You were found to have violated § 54.1-3007(1) of the Code, and §4.1(A)(2) [currently 18 VAC 90-20-300(A)(2)] of the Board of Nursing Regulations as a result of numerous incidents of alcohol abuse, including impairment at work, and falsification of your application for licensure. You successfully completed Probation in 1994. You have had relapses and periods of remission related to your alcoholism since 1994. You reported to the DHP Investigator that in 2005 you sought voluntary admission to the MCV Hospitals for substance abuse treatment following a relapse. Between May, 2005, and August, 2005, by your own report, you received in-patient treatment for substance abuse, mental health issues, and suicidal ideation.

Following your hospitalization at MCV Hospitals from May 8, 2005, to May 13, 2005, you were discharged to Harrison House, a residential substance abuse treatment facility, where you remained from May 13, 2005, until your discharge on June 10, 2005.

2. You were hospitalized at Tucker Pavilion of CJW Medical Center on August 18, 2005, where you remained until August 21, 2005. You told the DHP Investigator that the discharge summary from CJW's psychiatrist was incorrect in that that you were hospitalized for mental health issues and not substance abuse. You may be unsafe to practice professional nursing due to your chronic alcoholism and recurring mental health issues.

3. You may have violated § 54.1-3007(4) in that, on or about April 9, 2005, you were arrested for stealing an 18-pack of beer from a convenience store. You were convicted of misdemeanor petit larceny in the General District Court of Caroline County, Virginia, on July 15, 2005, and sentenced to ten days in jail with ten days suspended. You reported a total of six alcohol-related criminal charges over the past 20 years including four drunk in public charges and two petit larceny charges.

After consideration of all information, the agency subordinate may:

1. Recommend to the Board that you be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory/regulatory violation has occurred; or

2. 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.

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) 662-9909.

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, and must be claimed at the post office. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

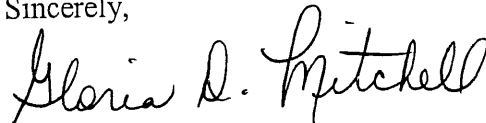
To facilitate this proceeding, you should submit four copies of any documents you wish for the agency subordinate to consider to Gloria Mitchell, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, by **February 27, 2007**. Your documents may not be submitted by facsimile or e-mail.

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 6, 2007**. 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 5:00 p.m. on **February 27, 2007**. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **February 27, 2007**, 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 medicine 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) 662- 9950.

Sincerely,



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

GDM/bl

Enclosures:

cc: Agency Subordinate
Sandra W. Ryals, Director, Department of Health Professions
Anne G. Joseph, Deputy Director, Administrative Proceedings Division
James Banning, Director, Administrative Proceedings Division
Ann S. Hardy, R.N., M.S.N., Investigator (103199)
M. L. Goodman, Esquire