



COMMONWEALTH of VIRGINIA

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Virginia Board of Nursing
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NOTICE OF INFORMAL CONFERENCE

March 15, 2010

Michelle D. Mullins, C.N.A., L.P.N. Applicant
1012 Rosemary Avenue
Roanoke, Virginia 24014

CERTIFIED MAIL
71603901984862959922

Re: Application for Practical Nurse License
VA Certificate No.: 1401-060048
Expiration Date: June 30, 2010

Dear Ms. Mullins:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held, pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(7) and (10) of the Code of Virginia (1950), as amended ("Code"), on **April 13, 2010, at 9:00 a.m.**, in the offices of the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233. You may be represented by an attorney at the informal conference. The informal conference committee ("Committee"), which is comprised of at least two members of the Board, will consider your application for licensure by examination as a practical nurse, and will inquire into allegations that you may have violated certain laws and regulations governing the practice of nurse aides and the practice of nursing in Virginia.

Specifically:

1. You may be in violation of § 54.1-3007(6) of the Code due to an admitted history of substance abuse.
2. You may have violated § 54.1-3007(4) of the Code in that on or about April 4, 2005, you were convicted of petit larceny, a misdemeanor, in the General District Court of Roanoke City, Virginia.
3. You may have violated § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing the Practice of Certified Nurse Aides in that on your application for certification as a nurse aide in the Commonwealth of Virginia, dated April 7, 2006, you failed to disclose the above-

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referenced petit larceny conviction, and you failed to disclose that on or about April 4, 2005, you were convicted of failure to appear, related to said petit larceny offense, in the General District Court of Roanoke City, Virginia.

4. 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 examination as a practical nurse in the Commonwealth of Virginia, dated October 9, 2009, you failed to disclose that you were charged with and pleaded guilty to possession of cocaine and felony uttering on June 21, 2005, which were taken under advisement by the Circuit Court of the City of Roanoke, Virginia.

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

After consideration of all information, the Committee may take the following actions:

With regard to your practice as a certified nurse aide:

- 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 as a nurse 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; or
- 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.

With regard to your practice as a practical nurse:

1. Approve your application for licensure by examination; or
2. 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; or
3. Recommend to the Board that your application be denied; or
4. Refer the matter to a formal hearing of the Board.

The recommendation of the Committee 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 a formal hearing.

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If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

Please advise the Board of your intention to be present at the informal conference. This can be done by calling our offices at (804) 367-4515 or sending us a letter at the address listed above.

You have a right to the information that will be relied on by the Committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the Committee 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.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, by April 8, 2010. Your documents may not be submitted by facsimile or e-mail.

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,



Brenda Krohn, R.N., M.S.
Deputy Executive Director
Nurse Aide Registry Manager

BK/fdb
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Committee members
Amanda E. Mitchell, Adjudication Specialist
Patricia Sheehan, Senior Investigator, Enforcement Division (Case No. 129641)