



COMMONWEALTH of VIRGINIA

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Director

Department of Health Professions

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Virginia Board of Nursing
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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

October 14, 2014

Jamie Love, R.N.
8404 Burnside Dr.
Mechanicsville, Virginia 23116

CERTIFIED MAIL
9414726699042203226246

RE: VA License No.: 0001-224337
Expiration Date: April 30, 2015

Dear Ms. Love:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **November 4, 2014 at 9:00 a.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(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 inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. You may have violated §54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing in that during the course of your employment with Bon Secours – St. Mary’s Hospital, Richmond, Virginia, you diverted narcotic pain medications and falsified patient records, as evidenced by the following:

a. Results of a pharmacy audit for the dates of April 20, 2014 through May 20, 2014 indicated you were above the mean for numerous controlled substances, mostly Schedule II pain medications.

b. In May 2014 you failed to assess and document pain levels on your patients who

were prescribed narcotic medications before administering their medication(s). In addition, you documented administration of pain medications on the medication administration record before removing the medications from Pyxis.

c. On or about May 11, 2014 a patient reported not receiving her pain medication. However, you had removed oxycodone (Schedule II) from Pyxis and documented administering the medication to the patient.

2. You may be in violation of § 54.1-3007(6) of the Code in that you may be unsafe to practice nursing due to mental illness and/or substance abuse, as evidenced by the following:

a. A urine drug screen (UDS) was administered to you on May 22, 2014. The results of the UDS indicated positive for Oxcodex and oxycodone.

b. By your own admission you recently used marijuana and took Ativan and Xanax tablets that were given to you by a friend.

c. On or about June 2, 2014 you entered into treatment with New Life Journey, Inc., Mechanicsville, Virginia. New Life Journey indicated you met the criteria for long lasting social anxiety disorder as well as adjustment disorder with mixed emotions and behaviors.

d. On or about June 16, 2014 you signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"). In that contract you indicated that you may suffer from the disease of alcoholism and/or chemical dependence that impairs your ability to practice nursing as evidenced by your "Oxycodone abuse."

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) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;

- 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.

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 October 27, 2014. 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 **November 4, 2014**. 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 October 27, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after October 24, 2014 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 this office, at (804) 367-4543.

Sincerely,



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

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division

Wendy Deaner, Adjudication Specialist
Andria Christian, Senior Investigator (Case No. 157106)
Agency Subordinate
Peggy Wood, Monitoring Program Manager