



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
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NOTICE OF INFORMAL CONFERENCE

March 1, 2016

Adam Spencer, C.N.A. Reinstatement Applicant
728 Power Dam Road
McGaheysville, Virginia 22840

CERTIFIED MAIL
9414 7266 9904 2028 4358 52

Re: VA Certificate No.: 1401-150314
Expiration Date: February 9, 2015

Dear Mr. Spencer:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), on **April 4, 2016, at 10:30 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee (“Committee”), which is comprised of at least two members of the Virginia Board of Nursing (“Board”), will receive and act upon your application for the reinstatement of your certificate to practice as a nurse aide in the Commonwealth of Virginia, which was suspended by an Order of the Board entered February 9, 2015, and will inquire into evidence that grounds may exist to deny your application.

Specifically, you may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice as a nurse aide due to alcohol abuse, as evidenced by the following:

1. On or about August 15, 2013, you were convicted of public swearing and intoxication in the Harrisonburg/Rockingham County, Virginia, General District Court.
2. On or about November 3, 2014, you were convicted of public swearing and intoxication in the Waynesboro, Virginia, General District Court.
3. On or about March 9, 2015, you were convicted of driving while intoxicated, first offense, in the Goochland County, Virginia, General District Court.

4. On January 8, 2016, you were diagnosed with alcohol use, severe, during an evaluation at Augusta Health Outpatient Behavioral Health Services, Fishersville, Virginia.

5. On January 25, 2016, you entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program, recognizing that your alcohol use may impair your ability to practice.

The burden rests on you to demonstrate that you are prepared to resume the safe and competent practice as a certified nurse aide.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- The Committee may reinstate your certificate to practice as a nurse aide in the Commonwealth without restriction;
- The Committee may reinstate your certificate and place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate, reprimand you, or impose a monetary penalty;
- The Committee may deny your application for reinstatement of your certificate.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by March 28, 2016. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on 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.**

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.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state

closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda Krohn, M.S.", written in a cursive style.

Brenda Krohn, R.N., M.S.
Deputy Executive Director

BK/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Cynthia E. Gaines, Adjudication Specialist
Marian McLean, R.N., CCM, Senior Investigator (Case No. 170589)