



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

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

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

Board of Nursing (804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9512

September 1, 2005

Margaret O'Shea Phillips
10705 Mystic Point Drive
Fredericksburg, Virginia 22407

CERTIFIED MAIL
71603901984887227471

RE: License No: 0001-114915 expired 4/30/05

Dear Ms. Phillips:

This letter is official notification that an informal conference of the Virginia Board of Nursing will be held on **September 29, 2005, at 9:00 a.m.** at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia. In accordance with Sections 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 Section 2.2-3700 *et. seq.* of the Code. The agency subordinate will review your compliance with the Order of the Board of Nursing entered June 16, 2003 ("Board's Order"). Specifically:

1. You may have violated Terms 2 and 10(a) of the Board's Order, in that, you failed to enter into a Recovery Monitoring Contract with the Health Practitioners' Intervention Program, pursuant to Chapter 25.1 of Title 54.1 of the Code, and 18 VAC 76-10-10 et seq. of the Regulations governing the HPIP, within thirty (30) days of the entry of the Board's Order.
2. You may have violated Terms 3, 7 and 10(d) of the Board's Order in that, you failed to file a "self report" within sixty (60) days of the Board's Order becoming final. Further, you have failed to file any "self-reports" with the Board.
3. You may have violated Terms 8 and 10(d) of the Board's Order in that, you failed to return your license to the Board with the required fee.

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 Section 54.1-2401 of the Code.

Further, the agency subordinate may recommend that your application or reinstatement request be approved or denied, that a previous Board Order be modified, or refer this matter for a formal administrative proceeding pursuant to Section 2.2-4019 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 allegation 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 (4)** copies of any documents you wish for the agency subordinate to consider to Susan Rosen, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, by **September 19th**. 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 **September 29th**. 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 September 19th**. Only one such motion will be

considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **September 19th**, 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 professional nursing 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) 662-9948.

Sincerely,



Susan Bell Rosen, R.N., F.N.P., M.S., J.D.
Deputy Executive Director, Discipline

ME/Phillips30NICAgSub.DOC

Enclosures:

Informal Conference Package (31pages)
Map

cc: Robert A. Nebiker, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Mykl D. Egan, Adjudication Specialist
Agency Subordinate
Beverly Beck, R.N., Compliance Manager (94830)