



# COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals  
Director

## Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Richmond, Virginia 23233-1463

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

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
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October 13, 2009

Penny G. Brown, R.N.  
5807 Quinton Estates Drive  
Quinton, Virginia 23141

**CERTIFIED MAIL**  
**71603901984801692446**

Re: Virginia License No.: 0001-173424  
Expiration Date: March 31, 2010

Dear Ms. Brown:

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 December 1, 2009, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, 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 inquire into allegations that you may have violated certain laws and regulations governing professional nursing practice in Virginia.

Specifically, during the course of your employment with Bon Secours Regional Memorial Medical Center, Mechanicsville, Virginia:

1. You may have violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(2)(c) and (e) of the Board of Nursing Regulations in that you diverted narcotic medications for your own personal and unauthorized use, as evidenced by the following:

a. On or about April 21, 2009, at 02:53 hours, you removed from Pyxis one Lortab (hydrocodone; Schedule III) for Patient A; however, you failed to document the administration, waste or return of this medication.

b. On or about April 17, 2009, at 23:07 hours, you removed from Pyxis 15ml Lortab elixir for Patient B; however, you failed to document the administration, waste or return of the medication. Further, this patient did not have a physician's order for this medication.

- c. On or about April 17, 2009, at 22:10 hours and 22:56 hours, you removed from Pyxis a total of four Lortab tablets for Patient C and documented on the Medication Administration Record ("MAR") administering two Lortab tablets at 23:43 hours. You failed to document the administration, waste or return of the remaining two Lortab tablets. Further, this patient was unable to take medication in pill form.
- d. On or about April 17, 2009, at 21:45 hours, you removed from Pyxis one Tylenol #3 (Schedule III) tablet for Patient B; however, you documented on the MAR administering two Tylenol #3 tablets.
- e. On or about March 29, 2009, at 21:34 hours, you removed from Pyxis two Lortab tablets for Patient D; however, you failed to document the administration, waste or return of this medication. Further, this patient did not have a physician's order for this medication.
- f. On or about March 15, 2009, at 23:08 hours, you withdrew from Pyxis 15ml Lortab elixir for Patient E and documented on the MAR administering 10ml Lortab at 22:57 hours. You failed to document the administration or waste of the remaining 5ml Lortab elixir.
- g. On or about February 16, 2009, at 03:52 hours, you withdrew one Lortab tablet for Patient F; however, you failed to document the administration, waste or return of this medication. Further, this patient did not have a physician's order for this medication.
- h. On or about February 16, 2009, at 03:27 hours, you withdrew from Pyxis 1ml Lortab elixir for Patient G; however, you failed to document the administration, waste or return of this medication. Further, this patient did not have a physician's order for this medication.
- i. On or about January 25, 2009, at 04:34 hours, you removed from Pyxis 10mg morphine sulfate (Schedule II) for Patient H and documented on the MAR administering 5mg morphine sulfate. You failed to document the administration or waste of the remaining 5mg morphine sulfate.

2. You may be in violation of § 54.1-3007(6) of the Code in that you may be unable to practice nursing due to mental or physical illness which renders you unsafe to practice. Specifically, you acknowledged to your supervisors that you suffer from a mental disorder which causes you difficulty in concentrating and staying focused, and for which you have not been receiving treatment.

Please see Attachment A for the names of the patients referenced above.

In its deliberations, the Committee 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.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

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

- 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 nursing 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;
- 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.

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, Richmond, Virginia 23233, by November 18, 2009. 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.**

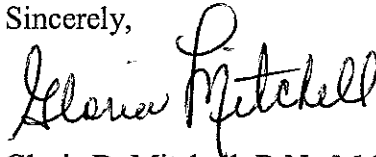
Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice, can be found

Penny G. Brown, R.N.  
Page 4

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,



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

GDM/bl

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions  
Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Special Conference Committee Members  
Mary Beth Shelton, Adjudication Specialist  
Kimberly Lynch, Investigator (Case no. 125770)