



COMMONWEALTH of VIRGINIA

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Director

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Virginia Board of Nursing
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January 21, 2005

Board of Nursing (804) 662-9909
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CERTIFIED MAIL-RETURN RECEIPT REQUESTED
(ARTICLE NO. 71603901984831582878)

Tracey Pettus
P.O. Box 8558
Fredericksburg, Virginia 22404

RE: Certificate No. 1401-095852 - Expired December 31, 2004

Dear Ms. Pettus:

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 **February 22, 2005, at 2:00 p.m.**, at the Department of Health Professions, 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230. You may be represented by an attorney at the conference.

The Special Conference Committee, which is comprised of at least two members of the Virginia Board of Nursing, will inquire into allegations that you may have violated certain laws and regulations governing nurse aide practice in Virginia. Specifically:

You may be in violation of §54.1-3007(2), (5) and (8) of the Code, and 18 VAC 90-25-100(2)(e) [formerly 18 VAC 90-20-360(2)(e)] of the Board of Nursing Regulations, in that, during the course of your employment at Onyx Assisted Living, Fredericksburg, Virginia, on or about October 2, 2003, you began swearing loudly at other staff and cursing the facility in general in a public hallway where residents and their family members could clearly hear you. You were escorted from the premises, and your employment was terminated as a result of this incident.

The Conference Committee is authorized, after meeting with you, to take one of the following actions:

1. 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;
2. The Committee may place you on probation with such terms as it may deem appropriate;
3. The Committee may reprimand you;
4. The Committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
5. The Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Conference Committee is of the opinion that a suspension or revocation of your certificate may be justified, the Committee may offer you a consent order in lieu of a formal hearing.

6. If the committee finds that there is sufficient evidence to find you in violation of the above charge(s) and § 54.1-3007(8) of the Code, the committee shall make a finding of abuse, neglect or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B) of the federal regulations, such a finding will prohibit your future employment as a certified nurse aide in any long term care facility, which receives Medicare or Medicaid reimbursement.

If you fail to appear at the informal conference, the Conference Committee may proceed to hear the case in your absence, and may take any of the actions outlined above. Please inform this office at (804) 662-9075 about whether you intend to appear at the conference at least ten (10) days prior to the scheduled date specified above. Also, please inform the Board office of a telephone number where you may be reached.

If you have any additional documents to be presented to the Conference Committee, please bring five (5) copies of each document with you.

You have the right to information that will be relied upon by the Board in making a 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 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. Also, enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws and regulations relating to the practice of nurse aides in Virginia that are cited in this notice.

Sincerely,



Jodi P. Power, R.N., J.D.
Deputy Executive Director
Nurse Aide Registry Manager

JPP:jkd/jjr
Enclosures

cc: Robert A. Nebiker, Director
Allan McDonald, Investigator (92629)
James L. Banning, Director for Adm. Proceedings
John K. Dickinson, Adjudication Specialist