



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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Virginia Board of Nursing
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1401-170931

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

October 16, 2014

Atlee Thurston, C.N.A. Applicant
1226 Chestnut Mountain Drive
Vinton, Virginia 24179

CERTIFIED MAIL
9414726699042003222255

RE: C.N.A. by Endorsement Application

Dear Ms. Thurston:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **November 25, 2014 at 10:30 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 consider your application for certification by endorsement as a certified nurse aide and inquire into evidence that grounds may exist to deny your application.

Specifically, you may not meet the requirements of §54.1-3024 of the Code and 18 VAC 90-25-72 of the Regulations Governing Certified Nurse Aides ("Regulations"), in that you have failed provided evidence that you are certified to practice as a nurse aide by another state with requirements that are essentially similar to the requirements for certification in Virginia. In addition, you have failed to provide evidence that you are a graduate of a state-approved nurse aide education program that meets the requirements for clinical training and competency set forth in 42 CFR 483.152.

The burden rests on you, as the applicant, to demonstrate that you meet the requirements of §54.1-3024 of the Code and 18 VAC 90-25-72 of the Regulations.

After consideration of all information, the agency subordinate may:

- Approve your application for certification by endorsement;
- Recommend to the Board that your application be approved with a reprimand, a monetary penalty, or terms and conditions, which may include placing you on probation;
- Recommend to the Board that your application be denied.

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 November 17, 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 25, 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 November 17, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after November 17, 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) 367-4614.

Sincerely,

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

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

BK/fdb
Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Wendy Deaner, Adjudication Specialist
Agency Subordinate