



# COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
Director

## Department of Health Professions

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

Board of Nursing (804) 367-4515  
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### NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

July 31, 2012

Happie Harris, R.M.A.  
Post Office Box 15401  
Richmond, Virginia 23227

And

Post Office Box 7614  
Henrico, Virginia 23231

**CERTIFIED MAIL**  
**71969008911101620373**

**CERTIFIED MAIL**  
**71969008911101620366**

RE: VA Registration No.: 0031-004843  
Expiration Date: March 31, 2013

Dear Ms. Harris:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **August 23, 2012, 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 inquire into allegations that you may have violated certain laws and regulations governing medication aide practice in Virginia and that you may be in violation of an Order of the Board entered on October 7, 2010 (“Board’s Order”).

Specifically:

1. You may have violated Term No. 2 of the Board’s Order, which required you to inform the Board in writing of the date you changed employment within ten days, in that on or about May 18, 2011, Sunrise Assisted Living, Richmond, Virginia, employed you as a medication aide, and you failed to inform the Board in writing within ten days.

2. You may have violated Term No. 3 of the Board's Order, which required you to provide your employer with a complete copy of the Board's Order, in that you were employed at Lynmoore Assisted Living, Richmond, Virginia, from April 21, 2011, to May 13, 2011, and you failed provide the facility with a copy of the Board's Order.

3. You may have violated Term No. 4 of the Board's Order, which required you to direct all your medication aide employers to submit quarterly performance evaluations, in that reports due on June 30, 2011, through December 31, 2011, were submitted late, and the performance evaluation due on March 31, 2012, was not submitted.

4. You may have violated Term No. 5 of the Board's Order, which required you to request your court-appointed probation officer to provide the Board with a written report within 60 days from the date of the Order, or by December 6, 2010, in that your probation officer did not submit a written report until November 17, 2011.

5. You may have violated Term No. 7 of the Board's Order, which required you to submit quarterly self-reports, with the first report due on December 6, 2010, in that all the reports due from December 6, 2010, through December 31, 2011, were not submitted in a timely manner.

6. You may have violated Term No. 9 of the Board's Order, which required you to maintain a course of conduct in your capacity as a medication aide commensurate with § 54.1-3000 et seq. of the Code and the Board of Nursing Regulations, and § 54.1-3007(2), (5), and (8) of the Code and 18-VAC 90-60-120(2)(e) of the Regulations Governing the Registration of Medication Aides in that on your disclosure statement that was required for employment with Sunrise Assisted Living dated May 2, 2011, you answered "no" to the question "Have you ever been convicted of a law violation(s) but excluding offenses committed before your eighteenth birthday that were finally adjudicated in a juvenile court or under a youth offender law?" when in fact, on or about August 6, 2009, you were convicted of one felony count of bank fraud and one felony count of conspiracy to commit bank fraud in the United States District Court for the Eastern District of Virginia.

In its deliberations, the agency subordinate 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.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a registered medication aide in the Commonwealth;
- 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 registration, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

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 August 17, 2012. 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 August 23, 2012. 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 August 17, 2012. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after August 17, 2012, 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". The signature is fluid and cursive, with a large loop at the end.

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

BK/fdb

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
James E. Rutkowski, Adjudication Specialist  
Joyce M. Shelton-Jones, Senior Investigator (Case no. 142570, 142571)  
Tonya James, Compliance Case Manager (Case no. 141697)  
Agency Subordinate