

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: VIRGINIA L. BARLOW, R.N. REINSTATEMENT APPLICANT

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Virginia L. Barlow, R.N. Reinstatement Applicant, who, prior to its suspension by the Virginia Department of Health Professions on October 23, 2009, held License No. 0001-155295 to practice professional nursing in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on March 18, 2010, at 11:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233, at which time Ms. Barlow will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Barlow has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Barlow desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Virginia L. Barlow’s application for reinstatement of her license to practice professional nursing in Virginia, and to inquire into evidence that Ms. Barlow may have violated certain laws and regulations governing nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Barlow as the petitioner to demonstrate that she is capable of resuming the safe and competent practice of nursing in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Barlow's license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

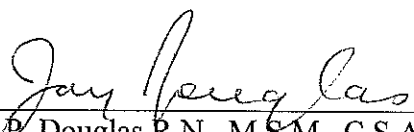
The Board alleges that:

1. Virginia L. Barlow, R.N. Reinstatement Applicant, may have violated § 54.1-3007(4) of the Code in that on or about October, 7, 2009, she was convicted of possession of cocaine, a felony, in the Circuit Court of the Isle of Wight County, Virginia. This conviction formed the basis for the suspension of her license to practice professional nursing by the Virginia Department of Health Professions on October 23, 2009.
2. Ms. Barlow may be in violation of § 54.1-3007(6) of the Code in that she may be unsafe to practice due to substance abuse issues. More specifically:
 - a. She has an admitted history of cocaine use.
 - b. On or about October 7, 2009, she was convicted of a second offense, within five years, of driving under the influence in the Circuit Court of the Isle of Wight County, Virginia. More specifically, following an automobile accident on November 29, 2008, Ms. Barlow submitted to a drug screen which was positive for cocaine and Zolpidem (Ambien, Schedule IV). A review of her prescription profile revealed no prescriptions for Ambien.
 - c. On or about June 25, 2009, Ms. Barlow submitted to a urine drug screen at the request of an investigator with the Virginia Department of Health Professions which was positive for cocaine.
 - d. On or about June 11, 2009, during the course of her employment with Children's Hospital of the King's Daughters, Norfolk, Virginia, Ms. Barlow submitted to a for-cause urine drug screen which was positive for cocaine.

e. On or about December 16, 2004, she was convicted of driving under the influence in the General District Court of the Isle of Wight County, Virginia.

3. Ms. Barlow may have violated § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing in that on her Application for Reinstatement of License as a Registered Nurse Following Suspension or Revocation dated December 17, 2009, she failed to list the two convictions for driving under the influence referenced above.

FOR THE BOARD


Jay P. Douglas R.N., M.S.M., C.S.A.C.
Executive Director for the
Board of Nursing

ENTERED: March 9th, 2010