



# COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals  
Director

*Department of Health Professions*  
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Virginia Board of Nursing  
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Executive Director

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## NOTICE OF INFORMAL CONFERENCE

Lic# 0002081407

July 6, 2009

Penny A. Clark, L.P.N. Applicant  
505 Saber Drive  
Chesapeake, Virginia 23322

**CERTIFIED MAIL**  
**7160 3901 9848 0163 5573**

Dear Ms. Clark:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held, pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(7) of the Code of Virginia (1950), as amended ("Code"), on **August 4, 2009, at 10:30 a.m.**, in the offices of the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233. You may be represented by an attorney at the informal conference. The informal conference committee, which is comprised of at least two members of the Board, will consider your application for licensure by endorsement as a practical nurse and will inquire into allegations that you may have violated certain laws and regulations governing the practice of practical nursing in Virginia. Specifically:

1. You may have violated § 54.1-3007(2), (5), and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that by your own admission, while employed with Favorite Healthcare Staffing, Inc., Virginia Beach, Virginia, between January 2008, and August 5, 2008, during your assignments at Maryview Medical Center ("Maryview"), Portsmouth, Virginia and DePaul Medical Center ("DePaul"), Norfolk, Virginia, you diverted narcotic medications including Vicodin (hydrocodone, Schedule III), Percocet (oxycodone, Schedule II), Dilaudid (hydromorphone, Schedule II), and Morphine (Schedule II).

2. You may have violated § 54.1-3007(6) of the Code in that you may be unable to practice practical nursing due to a lengthy history of drug and alcohol abuse, as you acknowledged on or about September 4, 2008, in an interview with an investigator with the Department of Health Professions, and in signing a contract with the North Carolina Board of Nursing Alternative Program for Chemical Dependency on or about October 10, 2008.

The burden rests on you, as the applicant, to demonstrate that you meet the requirements of § 54.1-3021 of the Code.

After consideration of all information, the committee may:

1. Approve your application for licensure by endorsement; or

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**Date**

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2. 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; or
3. Recommend to the Board that your application be denied; or
4. Refer the matter to a formal hearing of the Board.

The recommendation of the committee 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 a 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.

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. A brochure 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.

Please advise the Board of your intention to be present at the informal conference. This can be done by calling our offices at (804) 367-4515 or sending us a letter at the address listed above.

You have a right to the information that will be relied on by the committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the committee 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 and must be claimed at the post office.

To facilitate this proceeding, you should submit five copies of any documents you wish the committee to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, by **July 28, 2009**. Your documents may not be submitted by facsimile or e-mail.

Also enclosed are copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as laws and regulations governing the practice of nursing in Virginia that are cited in this notice.

Sincerely,



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

BK/lrw  
Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions  
Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Committee members  
Cynthia E. Gaines, Adjudication Specialist  
Kim Martin, R.N., Senior Investigator (121655)  
Peggy Wood, Monitoring Program Manager