



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

August 5, 2014

Valerie N. Garrett, L.P.N., Applicant
738 Northridge Drive, Apt. 18
Lewisburg, West Virginia
0002091630
RE: Application for Licensure

CERTIFIED MAIL
71969008911191896085

Dear Ms. Garrett:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **August 19, 2014, at 9:00 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 licensure by endorsement as a practical nurse and will inquire into allegations that you may have violated certain laws and regulations governing practical nurse practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(4) of the Code in that on or about March 3, 2005, in the District Court of Maryland for Howard County, you were found guilty of felony CDS Possession-Not Marihuana. Also, on or about March 3, 2005, in the District Court of Maryland for Howard County, you pled guilty to Motor Vehicle Taking.
2. You may have violated § 54.1-3007(6) of the Code in that you have a history of illegal drug use, specifically crack and heroin, which may render you unsafe to practice.

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 agency subordinate may:

- Approve your application for licensure 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.

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. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

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 14, 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 August 19, 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 August 14, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after August 14, 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 our office, at (804) 367-4614.

Sincerely,



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

BK/fdb

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Jan Willis, Adjudication Specialist
Agency Subordinate
Peggy Wood, Monitoring Program Manager