



COMMONWEALTH of VIRGINIA

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

Department of Health Professions

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

Board of Nursing (804) 367-4555
Nurse Aide Registry (804) 367-4639
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December 30, 2010

Dawn Wells, R.N.
5225 Kentuck Rd., Lot 26
Ringgold, VA 24586
And
514 Brightwells Drive
Danville, VA 24541

CERTIFIED MAIL
71603901984862936251

CERTIFIED MAIL
71603901984862936268

Re: VA License No.: 0001-153747
Expiration Date: April 30, 2012

Dear Ms. Wells:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), **on February 1, 2011, at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee (“Committee”), which is comprised of at least two members of the Virginia Board of Nursing (“Board”), will inquire into allegations that you may have violated certain laws and regulations governing professional nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(5) and (6) of the Code in that, on or about July 3, 2008, you entered a Participation Contract and on or about October 4, 2009, you entered Recovery Monitoring Contract No. 2 with the Health Practitioners’ Monitoring Program (“HPMP”), in which you acknowledged that your substance use disorder and mental illness may impact your ability to practice safely. On or about December 12, 2008, you received a stay of disciplinary action regarding the diversion of medication referenced below. On or about August 9, 2010, the stay was vacated and you were dismissed from the HPMP for noncompliance due to the following:

a. From on or about August 17, 2009, until July 28, 2010, you were employed as a professional nurse at Memorial Family Care, Danville, Virginia; however, you had not been approved to return to practice.

b. From on or about January 13, 2010, until August 3, 2010, you were employed as a professional nurse with Hallmark Home Health Care, Danville, Virginia. You had not been approved to return to practice nor did you report this employment to the HPMP. Further, you failed to inform the employer that you were being monitored by the HPMP.

c. On or about July 19, 2010, you tested positive for barbiturates after consuming Alagesic (APAP/butalbital/caffeine, Schedule III) obtained from Memorial Family Care.

2. 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 ("Regulations") in that during the course of your employment with Danville Regional Medical Center, Danville, Virginia, by your own admission, from September, 2007, to June, 2008, you diverted Lortab (hydrocodone, Schedule III) and Percocet (oxycodone, Schedule II) for your personal and unauthorized use and ingested some of the drugs while on duty.

3. You may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on the application for employment with Hallmark Home Health Care dated January 6, 2010, you falsely stated that your reason for leaving Danville Regional Medical Center was to stay home with kids, when, in fact, your employment was terminated due to diversion.

In its deliberations, the Committee 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 the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you;
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4576, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

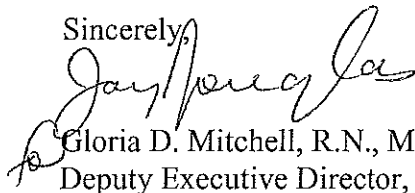
To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by January 25, 2011. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on 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.**

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.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

GDM/dg

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Tammie D. Jones, Adjudication Specialist
Carole Crutchfield, Investigator (Case No. 133715)
Lisa Elgin, Investigator (Case No. 120898)
Peggy Wood, Monitoring Coordinator