



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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

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

January 4, 2016

Jennifer L. Woodward, L.P.N.
301 Madison Street
Culpeper, VA 22701

CERTIFIED MAIL
9414 7266 9904 2028 4478 17

14177 Berry Hill Road
Elkwood, VA 22718

CERTIFIED MAIL
9414 7266 9904 2028 4478 00

RE: VA License No.: 0002-076855
Expiration Date: May 31, 2016

Dear Ms. Woodward:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **February 2, 2016, at 1:00 p.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 practical nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing in that, by your own admission, during the course of your employment with Culpeper Health and Rehabilitation Center, Culpeper, Virginia, from on or about March 24, 2015 through April 7, 2015, you diverted approximately six oxycodone 10mg tablets (C-II) from the supply of Resident A and approximately twenty-four oxycodone/ acetaminophen 5mg/ 325mg tablets (C-II) from the supply of Resident B, who was prescribed one- two tablets every four- six hours as needed for pain. You accomplished this diversion by withdrawing the medication, and then not documenting it on the medication administration records, not documenting it on the narcotic sign out sheet, or signing out the medication

in the name of another nurse. In addition, on one occasion, you were observed nodding off at work and exhibiting slurred speech.

2. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice practical nursing due to chemical dependency and/or mental illness, as evidenced by the following:

- a. On June 17, 2015, you signed a participation contract with the Health Practitioners' Monitoring Program ("HPMP"), in which you acknowledged your opiate abuse.
- b. During the course of your participation in the HPMP:
 - i. As revealed by your Prescription Monitoring Report, on or about August 15, 2015, you filled a prescription for adderall (C-II) without notifying the HPMP beforehand.
 - ii. You reported to your HPMP case manager that on or about August 29, 2015, you took 10mg of hydrocodone from an old prescription without notifying the HPMP beforehand.
 - iii. On or about September 10, September 11, and December 3, 2015, you missed required drug screens.
 - iv. On or about September 15, 2015, you submitted to a drug screen which tested positive for oxazepam, a metabolite of diazepam (C-IV), for which you did not provide a current prescription.
- c. You have been diagnosed with anxiety and depression, for which you received medication and treatment.

Please see Attachment I for the name of the residents referenced above.

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 practical nursing in the Commonwealth; or
- 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 license, 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 panel 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 panel 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 January 29, 2016. 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 February 2, 2016. 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 January 29, 2016. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after January 29, 2016 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) 367-4502.

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,

A handwritten signature in black ink that reads "Gloria D. Mitchell-Lively". The signature is written in a cursive style with a large initial "G".

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

GML/sts

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Amy E. Weiss, Adjudication Specialist
Naima Fellers, Senior Investigator (Case no. 163074)
Agency Subordinate