

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DELANA T. BOGGESS, R.N. REINSTATEMENT APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Nursing ("Board") met on February 21, 2008, in Henrico County, Virginia, to inquire into evidence that Delana T. Boggess may have violated certain laws and regulations governing nursing practice in Virginia and to receive and act upon Ms. Boggess' application for reinstatement of her license to practice professional nursing in Virginia. Ms. Boggess was not present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Delana T. Boggess was issued License No. 0001-181993 to practice professional nursing in the Commonwealth of Virginia on October 16, 2002. Said license was suspended by Order of the Board entered on May 27, 2004.
2. Ms. Boggess submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on June 1, 2007.
3. Pursuant to an Order of the Board entered May 5, 2004, Ms. Boggess' license was summarily suspended. Pursuant to an Order entered May 27, 2004, her license was continued on indefinite suspension for not less than three years, due to findings of fact that Ms. Boggess diverted and adulterated drugs for her personal and unauthorized use.

4. On August 3, 2005, in the Circuit Court of the City of Richmond, Virginia, Ms. Boggess was convicted of attempting to obtain a controlled substance by fraud, a misdemeanor. She was sentenced to incarceration with the Richmond City Jail for a term of 60 days with all time suspended pursuant to certain conditions.

5. Ms. Boggess' license to practice registered nursing in the State of Maryland was revoked on July 27, 2005, based on findings that she diverted controlled substances while working as an agency nurse at a hospital in Baltimore, Maryland, in April 2002, was impaired while on duty at another hospital in Silver Spring, Maryland, in April 2004, and was non-compliant with her Participation Agreement with the Maryland Board of Nursing's Rehabilitation program, which she entered on or about March 10, 2003. Ms. Boggess' license was subsequently reinstated on probation on February 27, 2007, for a period of five years with certain terms and conditions.

CONCLUSIONS OF LAW

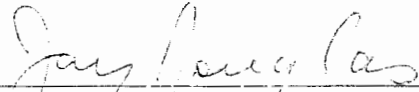
1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (5), (6), (7) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations.
3. The Committee concludes that Ms. Boggess has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application for reinstatement of License 0001-181993 issued to Delana T. Boggess to practice professional nursing in the Commonwealth of Virginia be, and hereby is, DENIED.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE COMMITTEE



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

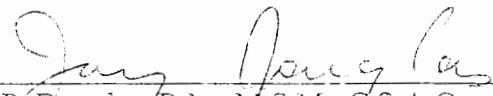
ENTERED: February 29th 2008

NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Delana T. Bogess at P. O. Box 464, Dunbar, West Virginia 25064.



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

February 29th 2008
Date