



# COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals  
Director

Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Richmond, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

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

**Board of Nursing (804) 367-4515**  
**Nurse Aide Registry (804) 367-5469**  
**FAX (804) 527-4455**

## NOTICE OF INFORMAL CONFERENCE

January 22, 2008

Delana M. T. Boggess, R.N. Reinstatement Applicant  
P. O. Box 464  
Dunbar, West Virginia 25064

**CERTIFIED MAIL**  
**71603901984990860923**

**Re: VA License No.: 0001-181993**  
**SUSPENDED**

Dear Mrs. Boggess:

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 21, 2008, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, 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 receive and act upon your application for the reinstatement of your license to practice nursing in the Commonwealth of Virginia, which was suspended by an Order of the Board entered May 27, 2004, and inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(4) of the Code in that you were convicted of attempting to obtain a controlled substance by fraud, a misdemeanor, in the Circuit Court of the City of Richmond, Virginia, on August 3, 2005. You were sentenced to incarceration with the Richmond City Jail for a term of 60 days with all time suspended pursuant to certain conditions.

2. You may have violated § 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of the Board of Nursing Regulations in that your license to practice registered nursing in the State of Maryland was revoked on or about July 27, 2005, based on findings that you diverted controlled substances

while working as an agency nurse at a hospital in Baltimore, Maryland, in April 2002, were impaired while on duty at another hospital in Silver Spring, Maryland, in April 2004, and were non-compliant with your Participation Agreement with the Maryland Board of Nursing's Rehabilitation program, which you entered on or about March 10, 2003. Your license was subsequently reinstated on probation on or about February 27, 2007, for a period of five years with certain terms and conditions.

The burden of providing evidence satisfactory to the Board that you are prepared to resume the competent practice of nursing with reasonable skill and safety to patients rests with you.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Intervention Program ("HPIP"), which is available to all health care practitioners licensed in Virginia. A brochure about the HPIP is enclosed. Should you enter into a written agreement with the HPIP prior to your informal conference, the Committee will take that into consideration when deciding your case.

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

- The Committee may reinstate your license to practice nursing in the Commonwealth without restriction;
- The Committee may reinstate your license and place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate, reprimand you, or impose a monetary penalty;
- The Committee may deny your application for reinstatement of your license;

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for 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) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

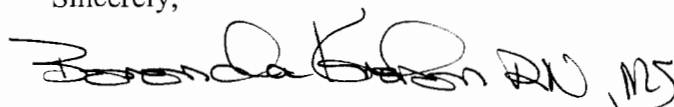
To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, by February 14, 2008. Your documents may not be submitted 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.**

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

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 "Brenda Krohn R.N., M.S." The signature is written in a cursive style with a large initial "B" and "K".

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  
Special Conference Committee Members  
Tammie D. Jones, Adjudication Specialist  
Peggy Wood, Intervention Program Manager