



# 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

May 1, 2014

Stephanie Brooks, C.N.A.  
818 8<sup>th</sup> Street  
Lynchburg, VA 24504

**CERTIFIED MAIL**  
**9414726699042003205388**

RE: VA Certificate No.: 1401-149563  
Expiration Date: December 31, 2014

Dear Ms. Brooks:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **June 10, 2014, at 10:30 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 Virginia 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 nurse aide practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(6) of the Code in that you have a substance abuse problem which makes you unsafe to practice as a nurse aide as evidenced by the following:
  - a. During your hospitalization at Virginia Baptist Hospital, Lynchburg, Virginia, on or about June 1, 2008, your urine screen showed evidence of Cannabinoid, benzodiazepine and opiates.

b. During your hospitalization at Lynchburg General Hospital, Lynchburg, Virginia, on or about July 25, 2009, a urine drug screen showed evidence of Cannabinoid, benzodiazepine, cocaine and opiates.

c. On or about April 16, 2013, upon admission to Bedford Memorial Hospital, Bedford, Virginia, you tested positive for Cannabinoid and opiates.

d. A co-worker at Lynchburg Health and Rehab, Lynchburg, Virginia, reported that in or about 2012-2013, you and a nurse colleague "smoked a bowl" of marijuana during lunch breaks and then returned to your nurse aide duties.

e. A second co-worker at Lynchburg Health and Rehab reported that you and a nurse colleague took lunch breaks together to smoke marijuana and returned to work smelling of perfume to camouflage the odor of marijuana. She observed you ingesting narcotics during the day from a pill bottle.

2. You may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides ("Regulations") in that during your employment at Lynchburg Health and Rehab on or about July 18, 2013, you were discovered sleeping during your shift.

3. You may have violated § 54.1-3007(1) and (2) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations in that on or about October 13, 2011, you falsified your application for certification as a nurse aide by not checking "yes" when asked if you had ever been convicted of a felony, misdemeanor, or driving while intoxicated, in that you had been convicted of driving while intoxicated (DWI), in or about 2009, and of contempt, in or about 2010.

4. You may have violated § 54.1-3007 (2) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations in that you falsified your application to Liberty Ridge Health and Rehab, Lynchburg, Virginia, submitted on or about January 8, 2014, by stating that you had left Lynchburg Health and Rehab due to a scheduling problem when, in fact, you had been terminated for sleeping while on duty.

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 as a nurse aide in the Commonwealth;
- 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 certificate, 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.

If the agency subordinate finds that there is sufficient evidence to find you in violation of the above charge and § 54.1-3007(8) of the Code, the agency subordinate shall recommend that the Board make a finding of neglect which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit your future employment as a certified nurse aide in any long term care facility that receives Medicare or Medicaid reimbursement.

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.**

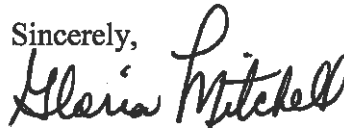
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by June 3, 2014. Your documents may not be submitted by facsimile or email.

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 June 10, 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 June 3, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after June 3, 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 this office, at (804) 367-4614.

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

BK/fdb  
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Peter Opper, Adjudication Specialist  
Laura Pezzulo, Senior Investigator (Case no. 154390)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager