



# COMMONWEALTH of VIRGINIA

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

*Department of Health Professions*

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

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## NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

November 13, 2013

Ruby Taylor, R.N  
24156 White Street  
Parksley, Virginia 23421

**CERTIFIED MAIL**  
**71603901984922006009**

P. O. Box 1373  
Parksley, Virginia 23421

**CERTIFIED MAIL**  
**71603901984922006016**

**RE: VA License No.: 0001-165336**  
**Expiration Date: November 30, 2015**

Dear Ms. Taylor:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **December 11, 2013, 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 nursing practice in Virginia.

Specifically, you may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice professional nursing due to substance abuse, as evidenced by the following:

1. On or about July 13, 2009, during the course of your employment with Shore Lifecare at Parksley, Parksley, Virginia, you submitted to a random drug screen, which was positive for marijuana.

2. On or about July 20, 2009, you signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") [formerly the Health Practitioners' Intervention Program], acknowledging your impairment due to substance abuse. On or about February 19, 2013, you received a stay of disciplinary action regarding the positive urine drug screen referenced above. On or about May 22, 2013, the stay was vacated for noncompliance with your HPMP contract. By letter dated on or about May 30, 2013, you resigned from the HPMP, and you were subsequently dismissed on or about July 19, 2013, for noncompliance due to with your continued use of marijuana, failure to enter and complete treatment as recommended, failure to comply with the toxicology screening program, and requested resignation from the program.

3. On or about May 6, 2013, you submitted to a hair test at the request of your HPMP case manager, which was positive for marijuana.

4. On or about May 23, 2013, you submitted to a urine drug screen when you presented for an assessment with Lake View Psychotherapy, Virginia Beach, Virginia, which was positive for marijuana.

5. On or about July 12, 2013, during an interview with an investigator with the Virginia Department of Health Professions, you admitted that you had relapsed and smoked marijuana in April, 2013.

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 nursing 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 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 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 December 4, 2013. 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 **December 11, 2013**. 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 December 4, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after December 4, 2013, 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 me, at (804) 367-4634.

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

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Amanda E. M. Blount, Adjudication Specialist  
Lane S. Raker, Senior Investigator (Case no. 150892)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager