



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

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

March 23, 2016

Samantha Edwards, C.N.A.
12376 Cady Creek Drive
Hanover, Virginia 23069
And
2501 Bethel Street
Richmond, Virginia 23223

CERTIFIED MAIL

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CERTIFIED MAIL

9414726699042028481460

RE: VA Certificate No.: 1401-130801
Expiration Date: June 30, 2016

Dear Ms. Edwards:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **April 19, 2016, at 9:00 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 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 governing nursing practice in Virginia, and will inquire into allegations that you may be in violation of an Order of the Board entered July 1, 2014 ("Board's Order").

Specifically:

1. You may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice as a certified nurse aide due to mental illness and/or substance abuse, as evidenced by the following:

a. On or about January 20, 2015, you were convicted of driving while intoxicated, first offense, in the Hanover, Virginia, General District Court.

b. On or about November 9, 2015, you were voluntarily admitted to St. Mary's Hospital, Richmond, Virginia, following a suicide attempt. Further, you have been diagnosed with bipolar disorder, and you have continued to use marijuana.

2. You may have violated Term No. 2 of the Board's Order which required you to inform the Board in writing within ten days of changes in employment, or if any interruption in nurse aide practice occurs. On or about November 9, 2015, you stopped working at Autumn Care of Mechanicsville, Mechanicsville, Virginia. You notified the Compliance Case Manager for the Board on January 29, 2016, during a telephone interview that you were unemployed.

3. You may have violated Term No. 4 of the Board's Order which required you to cause quarterly reports from your treating therapist to be sent to the Board. The report due December 31, 2015, was not received.

4. You may have violated Term No. 5 of the Board's Order which required that should you be prescribed a Scheduled II – V controlled substance, a written report from the prescriber must be sent to the Board within ten days of the date the medication was prescribed. You were prescribed Vicodin (C-III) and hydrocodone (C-II), but the report from the prescriber was not sent to the Board.

5. You may have violated Term No. 6 of the Board's Order which required you to provide all of you treating practitioners with a copy of the Order. You failed to provide a copy of the Order to the practitioner who prescribed the narcotic medications referenced in allegation No. 4.

6. You may have violated Term No. 7 of the Board's Order which required you to submit quarterly self-reports. You submitted reports due November 30, 2014, December 31, 2014, March 31, 2015, and June 30, 2015, late and failed to submit reports due September 30, 2015, and December 31, 2015.

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.

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 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 April 12, 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 April 19, 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 April 12, 2016. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after April 12, 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 this office, at (804) 367-4614.

Sincerely,



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

BK/fdb
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Cynthia E. Gaines, Adjudication Specialist
Andria Christian, Senior Investigator (Case No. 170662)
Agency Subordinate
Tonya James, Compliance Case Manager (Case No. 171582)