



COMMONWEALTH of VIRGINIA

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

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

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

December 15, 2011

Brittany J. Nelson, R.N.
2777 Island Road
Gloucester, Virginia 23061

CERTIFIED MAIL
71603901984801659517

8110 Roaring Springs Road
Gloucester, Virginia 23061

CERTIFIED MAIL
71969008911101612149

RE: VA License No.: 0001-218282
Expiration Date: January 31, 2013

Dear Ms. Nelson:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **January 10, 2012, 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 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 professional nursing practice in Virginia.

Specifically:

1. You may be in violation of § 54.1-3007(6) of the Code in that you may be unsafe to practice due to mental health issues and substance abuse as evidenced by your own admission that you have a history of depression, drug use, and alcohol abuse. You also stated that you have used IV heroin since February, 2011, and have taken suboxone prescribed to another individual.

2. You may have violated § 54.1-3007(2), (3), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (“Regulations”) in that during the course of your employment with Walter Reed Convalescent and Rehabilitation Center, Gloucester, Virginia:

a. On or about June 1, 2011, you administered one 50mg tablet of tramadol HCL (Schedule VI) to a patient, when the physician’s order was for three 50mg tablets of tramadol HCL.

b. On or about September 11, 2011, you failed to ensure that the correct flow rate was set for an enteral feeding.

c. On or about March 22, 2011, you failed to follow a physician’s order to hemocult stools for a resident.

d. On or about February 13 and 14, 2010, you failed to follow a physician’s order for administration of sliding scale insulin to a resident.

3. You may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that during the course of your employment with Walter Reed Convalescent and Rehabilitation Center, on or about January 25, 2011, you signed medication and treatment records documenting administration of medication or treatments before these items were completed.

4. You may have violated § 54.1-3007(5) and (8) of the Code in that during the course of your employment with Walter Reed Convalescent and Rehabilitation Center, on or about February 25, 2011, you administered an expired medication to a resident.

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; or
- 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.

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 January 5, 2012. Your documents may not be submitted by facsimile or email.

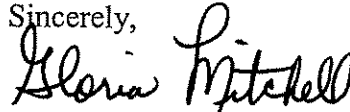
You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on January 10, 2012. A request to continue this proceeding must state **in 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 January 5, 2012. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after January 5, 2012, 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) 367-4617.

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, Discipline

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Amanda E. M. Blount, Adjudication Specialist
Lisa Thomas, Senior Investigator (Case no. 140810)
Agency Subordinate
Peggy Wood, Monitoring Program Manager