



# COMMONWEALTH of VIRGINIA

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Director

Department of Health Professions

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## NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

February 14, 2012

Valerie Williams, L.P.N., R.N. Applicant  
806 Daisy Circle  
Newport News, Virginia 23608

**CERTIFIED MAIL**  
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**RE: VA License No. 0002-074704**  
**Expiration Date: September 30, 2012**

Dear Ms. Williams:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **March 7, 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(7) and (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 consider your application for licensure by examination as a registered nurse and inquire into allegations that you may have violated certain laws and regulations governing practical nursing practice in Virginia.

Specifically:

1. You may have violated §54.1-3007(2), (3), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations") in that during the course of your employment with Riverside Regional Medical Center, Newport News, Virginia, on multiple occasions from approximately 2010 through October 3, 2011, you consumed oxycodone (Schedule II) and/or hydromorphone (Schedule II) before your scheduled shift, for which you did not have a prescription. In

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addition, during this time, you consumed Vicodin (acetaminophen and hydrocodone, Schedule III) while on duty which you received from a coworker.

2. You may have violated §54.1-3007(6) of the Code in that, by your own admission, you may have a substance abuse problem, as may be evidenced by your urine drug screen, taken on or about September 23, 2011, which was positive for cocaine (Schedule I), oxymorphone (Schedule II), oxycodone (Schedule II), hydrocodone (Schedule III), hydromorphone (Schedule II), and lorazepam (Schedule IV), for which you did not have prescriptions.

3. You may have violated §54.1-3007(1) of the Code and 18 VAC 90-30-300(A)(1)(b) of the Regulations in that on your Application for Licensure, which was received by the Board on or about July 26, 2011, you indicated that you do not have a mental, physical, or chemical dependency condition which could interfere with your ability to practice as a registered nurse.

4. 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 in that during the course of your employment with Riverside Regional Medical Center:

a. By your own admission, on multiple occasions you administered narcotic pain medications to Patients A-D prior to the scheduled time that the next administration was due, according to the doctor's orders.

b. By your own admission, on or about September 7, 2011, you administered morphine (Schedule II) to Patient E without notifying the patient's assigned nurse.

Please see Attachment I for the names of the patients referenced above.

The burden rests on you, as the applicant, to demonstrate that you meet the requirements of §54.1-3017.

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, with respect to your license to practice practical nursing:

- 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.

With respect to your application for licensure to practice professional nursing, the agency subordinate may:

- Approve your application for licensure by examination; or
- Recommend to the Board that your application be approved with a reprimand, a monetary penalty, or terms and conditions, which may include placing you on probation; or
- Recommend to the Board that your application be denied.

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 March 2, 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 March 7, 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 March 2, 2012. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after March 2, 2012, will not be considered.

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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) 367-4634.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.  
Deputy Executive Director, Discipline

GDM/fdb  
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Agency Subordinate  
Olivia Exterovich, Adjudication Specialist  
Lisa Thomas, L.P.N., Senior Investigator (Case No. 141008)  
Kara Franco, Case Manager  
Peggy Wood, Monitoring Program Manager  
Nathan Mortier, Esquire