



COMMONWEALTH of VIRGINIA

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Director

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

February 25, 2014

Lucinda Brooke, R.N.
95 Fairfax Street
Warrenton, Virginia 20186

CERTIFIED MAIL
7196 9008 9111 9190 2151

RE: VA License No.: 0001-169506
Expiration Date: August 31, 2014

Dear Ms. Brooke:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **March 26, 2014, 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 and regulations governing nursing practice in Virginia.

Specifically, during the course of your employment with Prince William Medical Center, Manassas, Virginia:

1. You may have violated § 54.1-3007(5) and (6) of the Code in that on or about September 27, 2013, you were impaired while on duty, as evidenced by slurred speech, sleepiness, and swaying while walking. You refused to submit to a fitness for duty test.

2. You may have violated § 54.1-3007(5) of the Code in that between July and September 2013, you committed numerous errors regarding the administration of narcotics and benzodiazepines, as evidenced by the following:

a. On or about July 28, 2013, at 2:00 a.m., you withdrew lorazepam 2mg (Schedule IV) for Patient MS, but you failed to document administering or wasting the medication.

- b. On or about August 15, 2013, at 21:11 p.m., you withdrew hydromorphone 2mg (Schedule II) for Patient SP and documented wasting 1.5 mg, but you failed to account for the remaining 0.5mg of the medication.
- c. On or about August 24, 2013, at 1:15 a.m., you withdrew lorazepam 1mg/2ml for Patient MH and documented administering 0.5 mg and wasting 1mg, but you failed to account for the remaining 0.5mg.
- d. On or about August 28, 2013, at 7:53 a.m., you withdrew Dilaudid 1mg (hydromorphone, Schedule II) for Patient CB and failed to document administering or wasting the medication.
- e. On or about August 31, 2013, at 4:14 a.m., you withdrew lorazepam 2mg for Patient MP and documented wasting 1mg, but you failed to account for the remaining 1mg.
- f. On or about August 31, 2013, at 19:41 p.m., you withdrew one oxycodone tablet (Schedule II) for Patient RB but you failed to document administering or wasting the medication.
- g. On or about September 1, 2013, at 5:08 a.m., you withdrew lorazepam 2mg for Patient BT and documented wasting 1.5mg, but you failed to account for the remaining 0.5mg.
- h. On or about September 1, 2013, at 19:37 p.m., you withdrew Dilaudid 1mg for Patient JI and documented administering 0.5mg at 19:50 p.m., but you failed to waste the remaining 0.5mg until 00:36 a.m., approximately 5 hours later.
- i. On or about September 6, 2013, at 20:15 p.m., you withdrew morphine 2mg (Schedule II) for Patient ML, but you failed to document administration or wastage of any of the medication.
- j. On or about September 13, 2013, at 4:27 a.m., you withdrew Dilaudid 1mg for patient DB, but you failed to document administration or wastage of any of the medication.

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.

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 March 20, 2014. Your documents may not be submitted by facsimile or email.

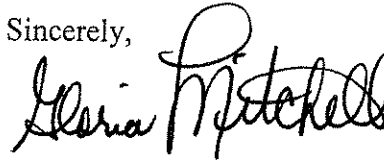
You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on March 26, 2014. A request to continue this proceeding must state **in 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 March 20, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after March 20, 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) 367-4502.

Sincerely,



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

GDM/sts

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Naima Fellers, Senior Investigator (Case no. 153053)
Agency Subordinate
Peggy Wood, Monitoring Program Manager
Nicholas Balland, Esq., 2300 Clarendon Blvd., #700, Arlington, VA 22201