



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

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

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

Board of Nursing (804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9512

May 7, 2007

Cynthia McCaffrey, R.N.
106 Donovan Court
Yorktown, VA 23693

CERTIFIED MAIL
71603901984990866574

RE: License No.: 0001-107629
Expires: November 30, 2007

Dear Ms. McCaffrey:

This letter is official notification that an informal conference of the Virginia Board of Nursing will be held on **June 26, 2007, at 9:00 a.m.**, at 6603 West Broad Street, Fifth Floor, Richmond, 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 the practice of nursing in Virginia. Specifically:

1. You may have violated §54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) in that by your own admission, on or about January 16, 2007, during the course of your employment at Mary Immaculate Hospital, Newport News, Virginia, you cut open a fentanyl patch that had been prescribed for Patient A, bled the medication onto your tongue, and placed the altered patch on Patient A. Fentanyl is a schedule II controlled substance.

2. You may have violated §54.1-3007(6) of the Code in that a urine drug screen performed on January 16, 2007, was positive for fentanyl (for which you had a valid prescription) as well as for oxycodone and oxymorphone (schedule II controlled substances for which you did not have valid prescriptions).

Please see Attachment I for the name of the patient referenced above.

After consideration of all information, the agency subordinate may:

1. Recommend to the Board that you be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory/regulatory violation has occurred; or
2. 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.

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) 662-9909.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Intervention Program ("HPIP"), which is available to all health care practitioners licensed in Virginia. A brochure about the HPIP is enclosed. Should you enter into a written agreement with the HPIP prior to your informal conference, the Committee will take that into consideration when deciding 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 have enclosed 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, and must be claimed at the post office.


To facilitate this proceeding, you should submit **four (4)** copies of any documents you wish for the agency subordinate to consider to Gloria D. Mitchell at the Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, by **June 18, 2007**. Your documents may not be submitted by facsimile or e-mail.

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 **June 26, 2007**. 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 to me in writing at the address listed on this letter and must be received by **5:00 p.m. on June 18, 2007**. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **June 18, 2007**, 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) 662-9948.

Sincerely,



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

GMD/ef/dl
Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions
Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Agency Subordinate
Emily Field, Adjudication Specialist
Lisa Thomas, R.N., Senior Investigator (Case no. 113240)
Peggy Wood, HPIP Coordinator