



COMMONWEALTH of VIRGINIA

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

May 26, 2006

Leslie Updyke, R.N.
209 N. Palm Avenue
Howey in the Hills, FL 34737

CERTIFIED MAIL
71603901984887214433

RE: License No.: 0001-174777
Expiration Date: January 31, 2006

Dear Ms. Updyke:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **June 15, 2006, at 1:00 p.m.**, at the Department of Health Professions, 6603 West Broad Street, 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:

During the course of your employment with Riverside Regional Medical Center, Newport News, Virginia, you may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(b) and (e) of the Board of Nursing Regulations in that:

1. On or about November 26, 2004, you documented in a patient's chart that you completed an assessment; however there is no shift systems assessment documented which is required.
2. On or about November 25, 2004, you conducted a Dextrostick on an infant; however, you failed to utilize the Medical Record barcode per protocol for identification of the specimen in the lab and therefore it was missed in the laboratory.

3. On or about October 17, 2004, you administered and documented the administration of Vancomycin every four hours to a patient, when the physician's order was for administration every eight hours.
4. On or about October 6, 2004, you were observed preparing ampicillin via a syringe and the amount in the syringe which you prepared was only 0.5 ml. The physician's order was for ampicillin 160 mg, which should have been 1.6 ml.
5. On or about September 29, 2004, you failed to follow written physicians orders. Specifically, the order was written to alternate breast milk with formula and you reported to the oncoming nurse that you did not "mess with the breast milk during the night" and only fed formula to the infant. It was noted that there was a sufficient supply of breast milk to feed the infant.
6. On or about November 20, 2003, you received a written warning for not following facility policy for documenting verbal orders. Specifically, a medication error occurred involving an order for an IV fluid bolus of 40 ml of normal saline to be administered to a premature infant. You administered a 40 ml bolus of 10% Dextrose in error. Your error caused the infant's glucose level to rise to 495.
7. As a result of the above, your employment was terminated.

After meeting with you, the Agency Subordinate, 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 recommend that that a previous Board Order be modified, or 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, and must be claimed at the post office. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

To facilitate this proceeding, you should submit **four (4)** copies of any documents you wish for the agency subordinate to consider to Susan Rosen, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, by **June 9, 2006**. 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 15, 2006**. 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 **5:00 p.m. on June 9, 2006**. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **June 9, 2006**, 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 medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. Relevant excerpts of the code of Virginia and Board of Nursing regulations are included. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations. Relevant excerpts of the *Code of Virginia* and the Board of Nursing Regulations are included in this mailing.

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,



Susan Bell Rosen, R.N., F.N.P., M.S, J.D.
Deputy Executive Director, Discipline

Enclosures

cc: Agency Subordinate
Robert A. Nebiker, Director, Department of Health Professions
Anne Joseph, Deputy Director, Administrative Proceedings Division
Gayle E. Miller, Adjudication Specialist
Karen Schaller, Investigator (100996)