



COMMONWEALTH of VIRGINIA

Department of Health Professions

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May 27, 2009

Pear Gettys, R.N.
195 Johnson Creek Road
Iva, South Carolina 29655

Next Day Air
1Z 236 087 22 1008 5328

Re: Virginia License No.: 0001-196901
Expiration Date: February 5, 2009

Dear Ms. Gettys:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(7) and (10) of the Code of Virginia (1950), as amended ("Code"), **on June 16, 2009, at 10:30 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will inquire into allegations that you may have violated certain laws and regulations governing professional nursing in Virginia.

Specifically,

1. During the course of your employment with Chesapeake Regional Medical Center, Chesapeake, Virginia ("Chesapeake Regional"), from on or about September 2008, until on or about October 2008, you may have violated § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations") in that you diverted Percocet (oxycodone/acetaminophen, schedule II), for your own personal and unauthorized use, as demonstrated by the following:

- a. You withdrew Percocet from the Pyxis machine for a patient, but documented in the patient's nurses' notes that you administered morphine (schedule II) to the patient.
- b. You withdrew Percocet from the Pyxis machine for several patients, but you

either failed to document administration of the medication, or whether the patients were experiencing pain, or you documented that the patients were asleep or denied experiencing pain.

c. You withdrew Percocet from the Pyxis machine for a patient, but attempted to administer another medication instead of Percocet to the patient. You failed to document administration of the medication or whether the patient was experiencing pain, at that time, in the nurses' notes.

d. You withdrew the medications after a patient was discharged, and failed to document administration of the medication in the patient's Medication Administration Record ("MAR").

e. You withdrew medication before a patient was due to have it, and failed to document administration of the medication in the patient's MAR or nurses' notes.

2. You may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice as a professional nurse due to substance abuse and/or dependence and/or mental illness, as demonstrated by the following:

a. In an interview with a Department of Health Professions investigator, on or about November 15, 2008, you stated that you thought it was possible that you took Percocet from Chesapeake Regional.

b. By your own admission, on or about October 6, 2008, you attempted to harm yourself by taking several medications at one time, after you were involved in a motor vehicle accident, but could not remember details of the accident.

c. You acknowledged your possible impairment in a Participation Contract with the Virginia Health Practitioners' Intervention Program, dated November 7, 2008, and in a Participant Monitoring Agreement with the South Carolina Recovering Professional Program, dated December 12, 2008.

In its deliberations, the Committee 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 the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions with regard to your practical nursing license:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;

- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;

- The Committee may reprimand you;

- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

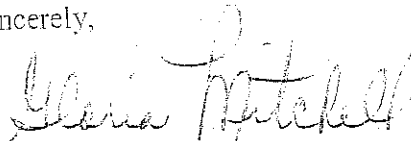
If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, by June 9, 2009. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on 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.**

Also enclosed are copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as the relevant laws and regulations governing the practice of nursing in Virginia.

Sincerely,



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

GDM/bl
Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions
Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
LaRhonda J. Carter, Adjudication Specialist
Kim Martin, Senior Investigator (Case No. 122682)
Peggy Wood, Intervention Program Manager