



# COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
Director

## Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

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

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
FAX (804) 527-4455

### NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

October 16, 2013

Michelle Daniels, R.N.  
4652 River Road West  
Goochland, Virginia 23060

**CERTIFIED MAIL**  
**7160 3901 9848 6288 1605**

RE: VA License No.: 0001-150265  
Expiration Date: February 28, 2015

Dear Ms. Daniels:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **November 13, 2013, 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 professional nursing practice in Virginia.

1. You may have violated § 54.1-3007(7) of the Code in that on or about March 8, 2013, by Order of Immediate Temporary Suspension, the Kentucky Board of Nursing ("Kentucky Board") suspended your multi-state privilege to practice professional nursing in Kentucky until you complied with the Kentucky Board's Order entered on January 18, 2013, which required you to submit to a chemical dependency evaluation based on findings that a patient alleged that you documented administering oxycontin (Schedule II), when, in fact, you did not do so, and that you asked a co-worker to sign a narcotic sheet falsely attesting to witnessing your wasting of controlled substances.

2. You may have violated § 54.1-3007(3) and 54.1-3008(A)(2) of the Code in that during the course of your employment with Kindred Care & Transitional Healthcare-Rosewood, Bowling Green, Kentucky, from October 10, 2011, to April 6, 2012, you practiced professional nursing with an expired license.

3. You may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing in that in you failed to list Nurse Advantage, Chesterfield, Virginia, where your employment was terminated on or about January 3, 2010, for failing to pass a drug screen, in the employment history section of the following employment applications:

a. Your employment application dated on or about August 8, 2012, for Bowling Green Nursing and Rehabilitation Center, Bowling Green, Kentucky.

b. Your employment application dated on or about August 18, 2011, for Kindred Care & Transitional Healthcare-Rosewood.

c. Your employment application dated on or about September 23, 2010, for Bon Secours Health System, Richmond Community Hospital, Richmond, Virginia.

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.

### **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 November 6, 2013. 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 November 13, 2013. 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 November 6, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after November 6, 2013, 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 the office at (804) 367-4502.

Sincerely,



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

GDM/sts

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
James E. Rutkowski, Adjudication Specialist  
Kimberly Hood, Intake Investigator (Case no. 149734)  
Agency Subordinate