



# COMMONWEALTH of VIRGINIA

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Director

*Department of Health Professions*  
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Virginia Board of Nursing  
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Executive Director

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## NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

November 7, 2013

Destini Johnson, L.P.N.  
10112 Stewartsville Road  
Vinton, Virginia 24179

**CERTIFIED MAIL**  
**71603901984922005613**

1038 Piedmont Street  
Bedford, Virginia 24523

**CERTIFIED MAIL**  
**71603901984922005620**

2659 Sandy Level Road  
Goodview, Virginia 24095

**CERTIFIED MAIL**  
**71603901984922005637**

RE: VA License No.: 0002-066199  
Expired: December 31, 2012

Dear Ms. Johnson:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **December 11, 2013, at 10:30 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, and will inquire into allegations that you may be in violation of an Order of the Board entered May 27, 2010 (“Board’s Order”).

Specifically:

1. You may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing in that during the course of your employment with Bedford County Nursing Home, Bedford, Virginia:

a. On or about March 23, 2012, you failed to administer Risperdal to a resident as ordered by the resident's physician. You also performed a skin assessment on this resident which identified the wrong part of the anatomy.

b. On or about March 16, 2012, you failed to properly execute a physician's order for an antibiotic for a resident.

c. On or about February 29, 2012, you failed to properly execute a physician's order for an antibiotic treatment for a resident.

2. You may be in violation of § 54.1-3007(6) of the Code and Term No. 2 of the Board's Order, which took no action against you upon the condition that you comply with all terms and conditions of the Health Practitioners' Monitoring Program ("HPMP") in that:

a. From on or about August 5, 2012, to August 14, 2012, you were hospitalized at Carilion Behavioral Health, Roanoke, Virginia, for treatment of bipolar disorder with severe psychosis after you presented to the Emergency Department of Carilion Roanoke Memorial Hospital. On or about August 5, 2012, upon your admission to Carilion, you submitted to a urine drug screen, which was positive for marijuana. On August 14, 2012, following your discharge from Carilion, you were involuntarily committed to Western State Hospital for further medical and psychiatric treatment. You were diagnosed with bipolar disorder, manic episode with psychotic features, and were hospitalized until September 7, 2012.

b. On or about December 7, 2012, in an interview with an investigator for the Department of Health Professions, you admitted to occasional use of wine and marijuana.

c. On or about May 20, 2013, you were dismissed from the HPMP for noncompliance, including failure to submit monthly reports in January and February 2013 and failure to communicate with HPMP staff monthly after December 2012. You were also no longer eligible to participate in the HPMP due to the expiration of your license.

**The Board hereby offers to enter into the enclosed Consent Order with you in lieu of an informal conference in this matter. Please review this document, and should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your witnessed signature to the Board office on or before *December 4, 2013*. Upon its receipt in the Board office, the Consent Order will be entered upon approval by the full Board and the informal conference will be cancelled. You will receive a certified copy of the Consent Order, bearing the date of entry, shortly thereafter. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on December 4, 2013, the Board will proceed with the informal conference as scheduled.**

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; or
- 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 December 4, 2013. Your documents may not be submitted by facsimile or email.

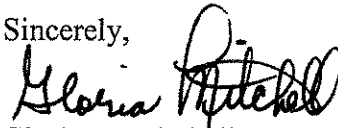
You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on **December 11, 2013**. A request to continue this proceeding must state **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 December 4, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after December 4, 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 me, at (804) 367-4634.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,



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

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Amanda E. M. Blount, Adjudication Specialist  
Carole Crutchfield, Senior Investigator (Case no. 146314)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager