



# COMMONWEALTH of VIRGINIA

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Director

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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**

October 1, 2013

Sally Mayberry, C.N.A., R.M.A.  
1403 Charles Street  
Fredericksburg, VA 22401

**CERTIFIED MAIL**  
**71969008911191928618**

RE: VA Certificate No.: 1401-132056  
Expiration Date: August 31, 2014

VA Registration No.: 0031-005742  
Expiration Date: January 31, 2014

Dear Ms. Mayberry:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **October 22, 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 nurse aide practice and medication aide practice in Virginia.

Specifically:

You may have violated § 54.1-3007(6) of the Code in that, by your own admission, you are addicted to narcotics, primarily heroin, which makes you unsafe to practice as a nurse aide or medication aide, as evidenced by the following:

1. You voluntarily signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"), on or about June 6, 2013, and in doing so, admitted that you may suffer from the disease of alcohol and/or chemical dependence. . . ."
2. You began treatment for substance abuse at the Family Counseling Center for Recovery, Fredericksburg, Virginia, a methadone clinic, on or about May 2, 2013.
3. You completed a 28-day residential substance abuse recovery program at Boxwood Recovery Center, Culpeper, Virginia, in or about 2010.
4. You received substance abuse services from Northwestern Community Services from on or about September 21, 2006 to on or about January 19, 2009, and resumed treatment on or about July 16, 2010, to on or about March 1, 2011.

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 as a nurse aide or as a medication aide 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 certificate and/or registration, 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 Virginia Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by October 16, 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 October 22, 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 October 16, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after October 16, 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 this office, at (804) 367-4614.

Sincerely,



Brenda Krohn, R.N., M.S.  
Deputy Executive Director

BK/fdb  
Enclosures

cc: Anne G. Joseph, [Deputy] Director, Administrative Proceedings Division  
Peter Opper, Adjudication Specialist  
Helene Kelly, Senior Investigator (Case nos. 150468 & 150474)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager