



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
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

April 25, 2016

Erika Billings, R.M.A.  
199 Buckeye Street  
Saltville, Virginia 24370

**CERTIFIED MAIL**  
**9414726699042028480142**

RE: VA Registration No.: 0031-007545  
Expiration Date: September 30, 2015

Dear Ms. Billings.:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **May 10, 2016, 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 be in violation of an Order of the Board entered February 5, 2014 ("Board's Order").

Specifically:

1. You may be in violation of Term No. 2(b) of the Board's Order, which required you to notify the Board within 10 days of the date you entered into practice or changed employment. On or about July 22, 2015, you separated from Hands of Grace Assisted Living, but you did not inform the Board until February 2, 2016.

2. You may be in violation of Term No. 2(d) of the Board's Order, which required, at your direction, performance evaluations to be submitted by all of your medication aide employers due quarterly by the last day of March, June, September and December. The evaluation due December 31, 2014, was received December 30, 2014, the evaluation due March 31, 2015, was received April 6, 2015, and the evaluation due June 30, 2015, was not submitted.

3. You may be in violation of Term No. 2(f) of the Board's Order, which required you to not use alcohol or any other mood-altering chemical, except prescribed by a health care practitioner with whom you have a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes, and should you be prescribed any Schedule II-IV controlled medication, a written report from the prescribing practitioner was required to be provided to the Board within 10 days of the date the medication was prescribed. For the following periods:

a. Between on or about July 24, 2014 and January 30, 2015, you received prescriptions for Lortab (C-III), Percocet (C-II) and Ultram (C-IV). The prescription report for those medications was not received by the Board office until April 6, 2015.

b. Between on or about April 27, 2015 and June 10, 2015, you received three prescriptions for Percocet. The prescription report for the Percocet was not received by the Board office until July 21, 2015.

c. Between on or about February 5, 2014 and February 2, 2016, you received 16 prescription for narcotic medications for which prescription reports were not submitted to the Board office.

4. You may be in violation of Term No. 2(g) of the Board's Order, which required you to attend Alcoholics Anonymous, Narcotics Anonymous, or other group acceptable to the Board and to have written evidence of attendance by a sponsor or contact person sent to the Board office within 30 days of each meeting. The log due March 31, 2015 was not received until April 6, 2015. The logs due April 30, 2015 through January 31, 2016, were not submitted to the Board office.

5. You may be in violation of Term No. 2(h) of the Board's Order, which required your court-appointed probation officer to provide the Board with a written report describing how you are meeting the conditions of your probation within 60 days from the date the Order was entered. The probation report was due on April 6, 2014, but was not received until May 29, 2015.

6. You may be in violation of Term No. 2(i) of the Board's Order, which required you to provide the Board with a certified true copy of your final court order placed on record by the court upon completion of your probation. The certified copy of your final court order has not been provided, although you completed probation on March 27, 2015.

7. You may be in violation of Term No. 2(k) of the Board's Order, which required you to submit quarterly self-reports to the Board office by the last day of the months of March, June, September and December. The reports due for April, June and September 2014, were not received

until December 30, 2014. The report due March 31, 2015, was not received until April 6, 2015, and reports for June, September and December 2015, were not submitted.

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 registered medication aide 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 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 panel 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 panel 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 May 3, 2016. 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 May 10, 2016. 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 May 3, 2016. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after May 3, 2016, 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,

A handwritten signature in black ink, appearing to read "Brenda Krohn, R.N., M.S.", written over a horizontal line.

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

BK/fdb  
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Cynthia E. Gaines, Adjudication Specialist  
Agency Subordinate  
Tonya James, Compliance Case Manager (Case No. 171869)