



COMMONWEALTH of VIRGINIA

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Director

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Virginia Board of Nursing
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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

October 2, 2013

Karessa Witcher, C.N.A. Reinstatement Applicant
608 Northpointe Lane, Apt. 4
Danville, Virginia 24540

CERTIFIED MAIL
71969008911191928762

RE: Certificate No.: 1401-111640
Expiration Date: November 30, 2009

Dear Ms. Witcher

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **October 29, 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 consider your application for the reinstatement of your certificate to practice as a nurse aide in the Commonwealth of Virginia, which expired on November 30, 2009, and will inquire into allegations that you may have violated certain laws governing nurse aide practice in Virginia.

Specifically, you may have violated § 54.1-3007(4) of the Code in that you have been convicted of the following misdemeanors involving moral turpitude in the General District Court for the City of Danville, Virginia:

1. On or about November 18, 2011, you were convicted of one count of shoplifting, second offense.
2. On or about November 28, 2007, you were convicted of shoplifting, first offense.

The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the competent practice as a nurse aide with reasonable skill and safety to patients.

The Board hereby re-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 *October 22, 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 October 22, 2013, the Board will proceed with the informal conference as scheduled.

After consideration of all information, the agency subordinate may:

- Reinstatement your certificate to practice as a nurse aide in the Commonwealth without restriction;
- Recommend that the Board reinstate your certificate and place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate, reprimand you, or impose a monetary penalty;
- Recommend that the Board deny your application for reinstatement of your certificate;

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 October 22, 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 29, 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 7, 2012. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after October 22, 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) 367-4614.

Sincerely,



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

BK/fdb
Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
James E. Rutkowski, Adjudication Specialist (Case No. 151277)
Agency Subordinate