



# COMMONWEALTH of VIRGINIA

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## NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

August 30, 2013

Rhonda Thomas, C.N.A., R.M.A. Applicant  
101 Hamlet Lane, Apartment 101  
Hampton, Virginia 23669

**CERTIFIED MAIL**  
**7196 9008 9111 9194 6643**

RE: VA Certificate No.: 1401-015133  
Expiration Date: April 30, 2014

Dear Ms. Thomas:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **September 26, 2013, at 1:00 p.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 August 28, 2010 ("Board's Order"), will consider your application for registration by examination as a medication aide, and will inquire into evidence that grounds may exist to deny your application.

Specifically:

1. You may have violated Term No. 3(a) of the Board's Order, which required you to comply with all terms and conditions of the Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP, in that you resigned from the HPMP before completing the program. Your letter of resignation was accepted by the HPMP on or about March 28, 2013.
2. You may be in violation of 54.1-3007(6) of the Code in that you may be unsafe to practice as a medication aide due to mental and physical illness as evidenced by the following:

a. On your application for registration by examination as a medication aide received by the Board on November 13, 2012, you answered "yes" to the question of whether you have a mental, physical or chemical dependency condition, which could interfere with your current ability to practice as a medication aide.

b. By your own admission, you have a history of suffering from bipolar disorder, and, and you suffered a relapse that caused you to be involuntarily hospitalized at the Virginia Beach Psychiatric Center, Virginia Beach, Virginia, from April 19, 2012, to April 27, 2012.

After consideration of all information, the agency subordinate may take the following action regarding your nurse aide certificate:

- 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 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, 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.

After consideration of all information, the agency subordinate may take the following action regarding your application for registration by examination as a medication aide:

- Approve your application for registration as a medication aide by examination;
- Recommend to the Board that your application be approved with a reprimand, a monetary penalty, or terms and conditions, which may include placing you on probation;
- Recommend to the Board that your application be denied.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

The burden rests on you, as the applicant, to demonstrate that you meet the requirements of § 54.1-3042 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 eight 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 September 19, 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 September 26, 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 September 19, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after September 19, 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/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
James E. Rutkowski, Adjudication Specialist  
Lane S. Raker, Senior Investigator (Case no. 149878 & 149877)  
Peggy Wood, HPMP Manager  
Agency Subordinate