



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

September 4, 2013

Bertha Wood, C.N.A.
25424 Wexmouth Drive
Abingdon, Virginia

CERTIFIED MAIL
71969008911191927772

RE: VA Certificate No.: 1401-128084
Expiration Date: January 31, 2014

Dear Ms. Wood:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **October 10, 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 Virginia 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 in Virginia.

Specifically, you may have violated § 54.1-3007(2), (3), (5), (6) and (8) of the Code and 18 VAC 90-25-100 (2)(c), (g), (h), and (i) of the Regulations Governing Certified Nurse Aides ("Regulations") in that:

1. On or about May 13, 2013, following your resignation from Bristol Home Health Services, Bristol, Virginia, you visited Client A, a home care client, in contravention of your former employer's written policy, and acted in a manner that constituted an inappropriate relationship with your former client, as follows:

a. You asked Client A for some of her Lortab pills (hydrocodone, Schedule II) which she gave to you. Client A's companion, who reported your pill-seeking conversation with former Client A to the human resources manager of Bristol Home Health Services, indicated that you had made similar requests in the past for Client A to give you pills prescribed by her physician.

b. You provided a bottle of liquor to former Client A, who had multiple health problems and required 24-hour supervision, without receiving approval from her physician to do so.

2. In or about February, 2011, during your employment with Creative Family Solutions, Abingdon, Virginia, you requested and received Lortab pills from a mentally-challenged home care client, Client B, on several occasions, claiming you required additional pain pills for your back condition.

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 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 license/certificate/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.

If the agency subordinate finds that there is sufficient evidence to find you in violation of the above charge(s) and § 54.1-3007(8) of the Code, the agency subordinate shall recommend that the Board make a finding of abuse, neglect, or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit your future employment as a certified nurse aide in any long term care facility that receives Medicare or Medicaid reimbursement.

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.**

Notice of Informal Conference - Bertha Wood, C.N.A.

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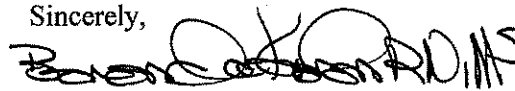
To facilitate this proceeding, you should submit eight copies of any documents you wish the agency subordinate to consider to the Virginia Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by October 3, 2013. Your documents may not be submitted by facsimile or email.

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 10, 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 3, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after October 3, 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 Oppen, Adjudication Specialist
Jennifer Baker, Senior Investigator (Case no. 151169)
Agency Subordinate
Peggy Wood, Monitoring Program Manager