



COMMONWEALTH of VIRGINIA

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

June 13, 2013

Lee S. Phillips, R.N., L.N.P.
3431 Norway Place
Norfolk, VA 23509

CERTIFIED MAIL
7160 3901 9849 2200 8652

RE: VA License Nos.: 0001-072656, 0024-167440, 0017-138884
Expiration Date: May 31, 2014

Dear Ms. Phillips:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) and the Virginia Committee of the Joint Boards of Nursing and Medicine (“Committee of the Joint Boards”) will be held on **July 9, 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”), and 18 VAC 90-30-240 of the Regulations Governing the Licensure of Nurse Practitioners, 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 professional nursing and nurse practitioner practice in Virginia.

Specifically:

1. You may have violated §§ 54.1-3007(5) and 54.1-3303(A) of the Code, 18 VAC 90-30-220(3) and (4) of the Regulations Governing the Licensure of Nurse Practitioners, and 18 VAC 90-40-121(A) and (C) and 90-40-130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners in that from on or about April, 2011, to on or about January 25, 2013, you wrote prescriptions for yourself for Losartan, HCTZ, and Metoprolol without a bona fide practitioner-patient relationship.

2. You may have violated §§ 54.1-3007(5) and (8) and 54.1-3303(A) of the Code, 18 VAC 90-30-220(3) and (4) of the Regulations Governing the Licensure of Nurse Practitioners, and 18 VAC 90-40-121(A) and (C) and 90-40-130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners in that, on or about August 18, 2011, you wrote prescriptions for Losartan and HCTZ, each with eleven refills, for a family member, without a bona fide practitioner-patient relationship.

3. You may have violated §§ 54.1-3007(2) and (5) and 54.1-3303(A) of the Code, 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing, 18 VAC 90-30-220(3) and (4) of the Regulations Governing the Licensure of Nurse Practitioners, and 18 VAC 90-40-121(A) and (C), 90-40-90(A) and (B), and 90-40-

130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners in that, on or about December 2, 2012, you submitted a prescription refill request to Rite Aide Pharmacy #4381 for yourself as the patient and indicated that you were practicing at Fairfield Psychological Associates, P.C., Virginia Beach, Virginia, when, in fact, your contract with Fairfield had been terminated on August 20, 2012.

4. You may have violated §§ 54.1-3007(2) and (5) and 54.1-3303(A) of the Code, 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing, 18 VAC 90-30-220(3), (4), and (6) of the Regulations Governing the Licensure of Nurse Practitioners, and 18 VAC 90-40-130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners in that, on or about February 9, 2012, and November 29, 2011, you phoned in fraudulent prescriptions for yourself for Tussionex suspension (hydrocodone, Schedule III), using the name of your gynecologist as the prescriber.

5. You may have violated § 54.1-3007(2) and (5) of the Code, 18 VAC 90-20-300(A)(2)(n) of the Regulations Governing the Practice of Nursing, and 18 VAC 90-30-220(4) of the Regulations Governing the Licensure of Nurse Practitioners in that, on or about March 5, 2013, during an interview with an investigator from the Department of Health Professions, you falsely indicated that you voluntarily left Atlantic Psychiatric Services, King-Jones Associates, and Fairfield Psychological Associates; however, your contracts were terminated due to unprofessional conduct.

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 of Nursing, 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 professional nursing and as a nurse practitioner 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 licenses, 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.

Boards' 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 and a quorum of the Committee of the Joint Boards. The Board and the Committee of the Joint Boards 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, or the Committee of the Joint Boards, you have the right to a formal administrative hearing before the Board and/or the Committee of the Joint Boards.

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 and a quorum of the Committee of the Joint Boards. The Board and the Committee of the Joint Boards may accept or modify the recommendation, or reject the recommendation. The Boards' decisions regarding the agency subordinate's recommendation are final orders 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.**

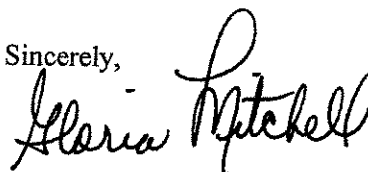
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by July 2, 2013. Your documents may not be submitted by facsimile or email.

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 July 9, 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 July 2, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after July 2, 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) 367-4617.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director

GDM/sk

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Tammie D. Jones, Adjudication Specialist
Patricia Harte-Byers, Senior Investigator (Case no. 148132)
Agency Subordinate