



# COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
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, RN, MSM, CSAC  
Executive Director

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
FAX (804) 527-4455

## AMENDED NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

August 6, 2013

Jennifer L. Hultzman, R.N.  
306 Charlotte Drive  
Portsmouth, Virginia 23701

**CERTIFIED MAIL**  
7196 9008 9111 9192 1046

**Re: Virginia License No.: 0001-180580**  
**Expiration Date: September 30, 2013**

Dear Ms. Hultzman:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **August 27, 2013, at 10:30 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 have violated certain laws and regulations governing professional nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing ("Regulations") in that during the course of your employment with Sentara Norfolk General Hospital, Norfolk, Virginia, by your own admission:

a. From May 13 to May 14, 2012, you failed to assess Patients A, B, and, C, who were all assigned to you.

b. On or about May 27, 2012, you transferred Patient D from his bed to his chair without disconnecting his Foley catheter from the bed, which caused the catheter to be dislodged. You then deflated Patient D's catheter placement balloon, reinserted the catheter, and re-inflated the balloon. As a result of your manipulation of the catheter, Patient D suffered pain and bleeding. Moreover, you failed to document the incident until on or about May 31, 2012, and you listed the incorrect date and patient.

2. You may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (f) of the Regulations in that during the course of your employment with ATC Healthcare, on or about April 24, 2013, while on assignment at Bon Secours Maryview Medical Center, Portsmouth, Virginia, you were impaired while on duty. You were observed to have slurred speech, swaying, and falling asleep. You also withdrew one Ativan (lorazepam,

Schedule IV), 1mg vial and failed to document administration or wasting. You were assigned five patients in the telemetry unit and failed to perform charting on any of the patients during the entire shift.

3. You may have violated § 54.1-3007(6) in that you may be unable to safely practice professional nursing due to substance abuse, and physical and/or mental illness that requires medication and treatment, as evidenced by the following:

a. By your own admission, on or about April 24, 2013, you ingested prescribed Vicodin (hydrocodone, Schedule III) in addition to using a fentanyl patch (Schedule II) that you obtained from a friend.

b. You have also abused Percocet (oxycodone/APAP, Schedule II) and Xanax (alprazolam, Schedule IV) that you obtained from a friend.

c. On or about May 29, 2013, you entered a Participation Contract with the Health Practitioners' Monitoring Program and acknowledged a history of substance abuse and psychiatric illness.

Please see Attachment I for the name of the patients referenced above.

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 professional nursing 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, 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 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 **August 20, 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 August 27, 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 August 20, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after August 20, 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  
Charlotte Hudson, Senior Investigator (Case nos. 146821/150535)  
Agency Subordinate  
Peggy Wood, Monitoring Program Coordinator