



COMMONWEALTH of VIRGINIA

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Director

Department of Health Professions

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

October 30, 2008

Debra Walters, R.N.
640 Irvin Street
Wytheville, VA 24382

CERTIFIED MAIL
71603901984534338840

RE: VA License No.: 0001-174290
Expiration Date: April 30, 2010

Dear Ms. Walters:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **December 15, 2008, at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, 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. During the course of your assignment at Lewis Gale Medical Center, Salem, Virginia, through Trinity Healthcare Staffing Group, you may have violated § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations") in that:

a. By your own admission, between September 2007 and May 8, 2008, you diverted morphine, meperidine, oxycodone (all Schedule II) and hydrocodone (Schedule III), for your personal and unauthorized use from drugs that were supposed to be wasted.

b. On or about May 5, 2008, at 1130, 1230 and 1400 hours, you signed out morphine 2mg injectables for Patient A and failed to document administration on the medication administration record ("MAR").

c. On or about April 23, 2008, at 1315 hours, you signed out two Valium 5mg tablets (diazepam, Schedule IV) for Patient B and failed to document administration on the MAR.

d. On or about March 5, 2008, at 1030 hours, you signed out one Valium 5mg tablet for Patient C and failed to document administration on the MAR. Further, Patient C did not have an order for this medication.

2. During the course of your assignment at Lewis Gale Medical Center, 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 by your own admission, on approximately four occasions in April and May 2008, you diverted hydromorphone and morphine for your personal and unauthorized use from injectable vials, replaced the medication with saline, and then returned the adulterated vials to the narcotic cabinet.

3. You may be in violation of § 54.1-3007(6) of the Code in that you may be unable to safely practice nursing due to chemical abuse, as you acknowledged in signing a Participation Contract with the Health Practitioners' Intervention Program on or about June 3, 2008.

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 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 December 8, 2008. 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 December 15, 2008. 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 8, 2008. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after December 8, 2008, 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) 367-4576.

Sincerely,



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

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions
Anne Joseph, Deputy Director, Administrative Proceedings Division
Tammie D. Jones, Adjudication Specialist

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Sandra Barton, Senior Investigator (Case no. 120241)

Agency Subordinate

Peggy Wood, Intervention Program Manager