



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions

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Virginia Board of Nursing
Jay P. Douglas, RN, MSM, CSAC
Executive Director

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NOTICE OF INFORMAL CONFERENCE

July 31, 2013

Eileen Massimino, L.P.N. Reinstatement Applicant
881 Crabneck Road
Hudgins, Virginia 23076

CERTIFIED MAIL
7196 9008 9111 9194 6322

Re: VA License No.: 0002-049909

Dear Ms. Massimino:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on August 28, 2013, at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will receive and act upon your application for the reinstatement of your license to practice practical nursing in the Commonwealth of Virginia, which was suspended by an Order of the Board entered April 3, 2009, and will inquire into allegations that you may have violated certain laws and regulations governing the practice of nursing in Virginia.

Specifically:

1. You may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice nursing due to your admitted history of substance abuse. You were discharged from your last substance abuse treatment program, which was opioid replacement therapy at the Hampton-Newport News Community Services Board, in December 2009 for failing to comply with program requirements.
2. You may have violated § 54.1-3007(4) and (6) of the Code in that on or about July 7, 2011, in the Circuit Court for the City of Newport News, Virginia, you were convicted of possession of heroin, a felony.
3. During the course of your employment with Golden Living Center – Bayside, Poquoson, Virginia:

a. 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 in that in or about December 2008, by your own admission, you diverted a tablet of Ambien (zolpidem tartrate, Schedule IV) from patient supplies for your own personal and unauthorized use.

b. You may have violated § 54.1-3007(5) and (6) of the Code in that on or about January 19, 2009, you reported for your shift in an intoxicated condition after having consumed a combination of medications including Vicodin (hydrocodone combination product, Schedule III) and Lunesta (eszopiclone, Schedule IV). You exhibited slurred speech, an unsteady gait, sleepiness, and bizarre behavior.

4. You may have violated § 54.1-3007(4) of the Code in that on or about July 21, 2011, in the Circuit Court of the City of Chesapeake, Virginia, you were convicted of the following four felony offenses: two counts of grand larceny, and two counts of larceny with the intent to sell or distribute.

The burden rests on you, as the applicant, to demonstrate that you are able to resume the safe and competent practice of practical nursing.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- The Committee may reinstate your license to practice practical nursing in the Commonwealth without restriction;
- The Committee may reinstate your license and place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate, reprimand you, or impose a monetary penalty;
- The Committee may deny your application for reinstatement of your license.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive,

Suite 300, Henrico, Virginia 23233, by August 23, 2013. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on 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.**

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.

Sincerely,



Brenda Krohn, R.N., M.S.
Deputy Executive Director

BK/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Joyce Shelton-Jones, Senior Investigator (Case no. 150113)
Lisa Thomas, Senior Investigator (Case no. 123818)
Peggy Wood, Monitoring Program Manager