



COMMONWEALTH of VIRGINIA

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

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Virginia Board of Nursing
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Executive Director

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July 15, 2013

Valencia Hayes, L.P.N.
4051 Falstone Drive
Richmond, Virginia 23234

CERTIFIED MAIL
7160 3901 9848 6288 2817

Re: VA License No.: 0002-080032
Expiration Date: December 31, 2014

Dear Ms. Hayes:

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 12, 2013, at 9:00 a.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 inquire into allegations that you may have violated certain laws and regulations governing 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 Old Dominion Home Health Services, Richmond, Virginia, in or about December 2012:

a. You stole a bottle containing 120 pills of Percocet (oxycodone, Schedule II) from the home of Patient A.

b. You stole a bottle of oxycodone from the home of Patient B.

2. You may be unable to safely practice nursing due to mental illness and/or substance abuse, as evidenced by your hospitalization in January 2013 for depression and suicidality and for detoxification from Lortab (hydrocodone combination, Schedule III).

3. You may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that you falsely represented facts on the following employment applications:

a. On the application for employment with HCR Manor Care Stratford Hall, dated August 22, 2011, you omitted your prior employment with Virginia Baptist Home Lakewood Manor, which was terminated on July 31, 2011.

b. On the application for employment with Old Dominion Home Health Services dated October 18, 2012, you omitted your prior employment with Virginia Baptist Home Lakewood Manor and with HCR Manor Care Stratford Hall, where you had been employed between August 2011 and June 2012.

4. You may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(n) of the Regulations in that in an interview with an investigator for the Department of Health Professions on or about April 19, 2013, you denied being employed at any facility other than Richmond Treatment Center, Beaufort Health and Rehabilitation Center, and Old Dominion Home Health, when, in fact, you had also been employed at Virginia Baptist Home Lakewood Manor and HCR Manor Care Stratford Hall, as noted in Allegation No. 3.

Please see Attachment I for the name of the patients referred to above.

In its deliberations, the Committee 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.

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:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;

- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;

- The Committee may reprimand you;

- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

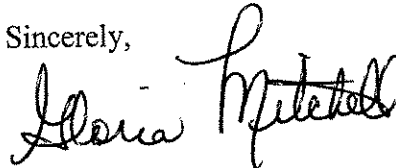
If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4634, or in writing at the address listed 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 5, 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,



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

GDM/sts

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Jennifer Challis, Senior Investigator (Case no. 148319)
Peggy Wood, Monitoring Program Manager