



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

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

April 15, 2013

Karen Hale, R.N.
P.O. Box 134
Wake, Virginia 23176

CERTIFIED MAIL
7160 3901 9848 0164 9600

Re: Virginia License No.: 0001-131799
Expiration Date: February 28, 2015

Dear Ms. Hale:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **May 7, 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”), 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 (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that during the course of your employment with St. Mary’s Hospital, Richmond, Virginia, from November, 2011, to November, 2012, on numerous occasions you diverted Dilaudid (hydromorphone, Schedule II) and morphine (Schedule II) from hospital supplies as evidenced by the following:

a. By your own admission you, removed syringes of the narcotics from Pyxis system and then you removed small amounts of the narcotics using a smaller syringe. You then returned the syringes to the Pyxis.

b. On or about November 15, 2012, you submitted to a for-cause drug screen that was positive for morphine and hydromorphone, for which you did not have a current prescription.

c. An audit conducted by St. Mary's Hospital of your medication transactions noted that during the fourth quarter of 2012, you cancelled approximately 60% of your morphine PCA transactions at one station and approximately 48% of your morphine PCA transactions at another station. Moreover, on approximately 58 occasions in October and November, 2012, you removed hydromorphone and morphine for patients that were not assigned to you, and then you either cancelled the transaction or failed to document administering the medication.

2. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice professional nursing due to substance abuse as evidenced by Allegation No. 1 and by the fact that on November 19, 2012, the Health Practitioners' Monitoring Program received a signed Participation Contract from you in which you acknowledged that you suffer from the disease of alcoholism and/or chemical dependency and/or mental illness and/or physical illness that impair your ability to practice your health profession safely as evidenced by the Board's investigation and your reported history of substance abuse.

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.

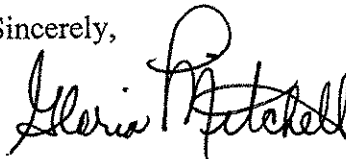
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by **May 1, 2013**. Your documents may not be submitted by facsimile or email.

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 May 7, 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 May 1, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after May 1, 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 me, at (804) 367-4634.

Sincerely,



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

GDM/sts

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
James E. Rutkowski, Adjudication Specialist
Ann S. Hardy, R.N., Senior Investigator (Case no. 147612)
Agency Subordinate
Peggy Wood, Monitoring Program Manager