



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

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

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

Board of Nursing (804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9512

September 9, 2005

Sharon C. Alls, L.P.N., R.N.
163 Summerwood Drive
Galax, Virginia 24333

CERTIFIED MAIL
71603901984887226672

RE: License No: 0002-040609 expires 1/31/07
0001-193817 expires 1/31/07

Dear Ms. Alls:

This letter is official notification that an informal conference of the Virginia Board of Nursing will be held on **September 29, 2005, at 1:00 p.m.** at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia. In accordance with Sections 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 Section 2.2-3700 *et. seq.* of the Code. The agency subordinate will review your compliance with the terms and conditions imposed upon your license to practice professional nursing in Virginia, as set forth in an Order of the Board entered December 2, 2004 ("Board's Order"). Specifically:

1. You may have violated Terms 3, 6 and 10 of the Board's Order, in that, you failed to provide notice of a change of employment within ten (10) days of the change occurring. Further, you did not wait for approval of the Board before beginning employment. Specifically:

- a. You left your employment at Edgemont Rehabilitation and Recovery, Wytheville, Virginia ("Edgemont"), on March 11, 2005, yet you did not inform the Board that you had left until March 26, 2005, when you informed the Board

Sharon C. Alls, L.P.N., R.N.

that you were working at Medi Home Health, Blacksburg, Virginia ("Medi"). Further, you were never approved by the Board to work at Medi.

- b. You were terminated from your employment at Medi on April 8, 2005, yet you did not inform the Board of your termination.
- c. You began employment at Bland County Nursing and Rehabilitation Center, Bastian, Virginia on April 21, 2005, yet you did not inform the Board until May 6, 2005, when your supervisor contacted the Board. The Board did not approve your employment until June 17, 2005.

2. You may have violated Terms 4 and 10 of the Board's Order, in that, you did not inform Edgemont or Medi of the Board's Order, or its contents.

3. You may have violated Terms 2(a), 5 and 10 of the Board's Order, in that, your performance evaluation form Edgemont due March 31, 2005 was not received until April 11, 2005.

After consideration of all information, the agency subordinate may:

1. Recommend to the Board that you be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory/regulatory violation has occurred; or

2. 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 Section 54.1-2401 of the Code.

Further, the agency subordinate may recommend that your application or reinstatement request be approved or denied, that a previous Board Order be modified, or refer this matter for a formal administrative proceeding pursuant to Section 2.2-4019 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 allegation with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

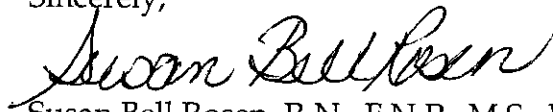
To facilitate this proceeding, you should submit **four (4)** copies of any documents you wish for the agency subordinate to consider to Susan Rosen, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, by **September 22, 2005**. Your documents may not be submitted by facsimile or e-mail.

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 **September 29, 2005**. 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 **5:00 p.m. on September 22nd**. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **September 22nd**, 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 professional nursing 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) 662- 9948 .

Sincerely,



Susan Bell Rosen, R.N., F.N.P., M.S., J.D.
Deputy Executive Director, Discipline

Enclosures:

Informal Conference Package (55 pages)
Map

cc: Robert A. Nebiker, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Mykl D. Egan, Adjudication Specialist
Agency Subordinate
Tonya D. James, Compliance Manager (102957)