



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 BEFORE AN AGENCY SUBORDINATE

April 11, 2013

Regina Mawyer, L.P.N.
1090 Enchanted Forest Path
Lynch Station, VA 24571

CERTIFIED MAIL
7160 3901 9848 0164 8214

275 NW 20th Street
Boca Raton, FL 33431

CERTIFIED MAIL
7160 3901 9848 0164 8221

RE: VA License No.: 0002-071664
Expiration Date: March 31, 2013

Dear Ms. Mawyer:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **May 7, 2013, at 1:00 p.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 practical nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice practical nursing due to substance abuse and mental illness as evidenced by the following:
 - a. On or about October 23, 2012, you were convicted of driving while intoxicated, in the Campbell County, Virginia, General District Court.
 - b. On or about September 26, 2012, you were convicted of driving under the influence, in the Bedford County, Virginia, General District Court.
 - c. On or about June 20, 2012, you told a Department of Health Professions investigator that you were recently diagnosed with post-traumatic stress disorder, depression, and personality disorder.
 - d. On or about April 22, 2012, by your own admission, you attempted suicide by consuming alcohol and 47 dosage units of Xanax (alprazolam, Schedule IV).

e. From October, 2007 to April, 2012, you signed a Participation Contract and nine Recovery Monitoring Contracts with the Health Practitioners' Monitoring Program (formerly known as the Health Practitioners' Intervention Program) in which you admitted that you recognize that your alcohol and/or substance use disorder may impair your ability to practice your profession safely.

2. You may have violated §54.1-3007(4) of the Code in that on or about May 21, 2010, you were convicted of obtaining controlled substances by fraud/deceit, in the Lynchburg, Virginia, Circuit Court, a misdemeanor involving moral turpitude.

3. During the course of your employment at Westminster Canterbury of Lynchburg, Virginia, from July, 2007, to September, 2007:

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 ("Regulations") in that, by your own admission, you diverted five to ten dosage units of Lortab (hydrocodone, Schedule III) per day, while working three days a week, from the residents' supply for your own personal and unauthorized use.

b. You may have violated §54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations in that, by your own admission, you destroyed Resident A's Controlled Substance Record for September, 2007, in order to conceal your diversion of four dosage units of Lortab from Resident A.

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 have enclosed 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.**

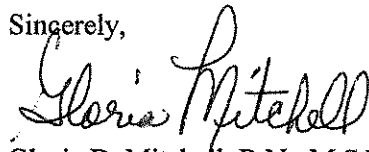
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by **May 1, 2013**. Your documents may not be submitted by facsimile or email.

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 the office at (804) 367-4634.

Sincerely,



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

GDM/sk

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
James E. Rutkowski, Adjudication Specialist
Sherry Foster, R.N., Senior Investigator (Case no. 144009)
Denise Sexton, Senior Investigator (Case no. 116966)
Agency Subordinate
Peggy Wood, Monitoring Program Manager