



COMMONWEALTH of VIRGINIA

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Director

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

October 15, 2010

John Lewis, R.N.
7109 Staples Mill Road, #197
Richmond, VA 23228

CERTIFIED MAIL
71603901984862966920

RE: **VA License No.: 0001-180295**
Expiration Date: March 31, 2012

Dear Mr. Lewis:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **November 8, 2010, 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(6) of the Code in that you may be unable to safely practice professional nursing due to substance abuse as evidenced by the following:

a. On or about July 24, 2008, you signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP," formerly known as the Health Practitioners' Intervention Program) in which you admitted that you may suffer from the disease of chemical abuse and/or dependence as evidenced by your history of alcoholism and relapse into drinking. On or about October 29, 2008, and March 5,

2009, you signed Recovery Monitoring Contracts with the HPMP in which you admitted that you may have an alcohol problem that may impair your ability to practice your health profession safely.

b. On or about May 3, 2010, you agreed with your HPMP case manager to refrain from the practice of professional nursing for 48 hours after ingesting a dose of Vicodin (hydrocodone bitartrate and acetaminophen, Schedule III) that was prescribed by your dentist. On or about May 4, 2010, you submitted to a urine screen that was positive for hydrocodone. On that same day you reported to work at Commonwealth Care Roanoke, Virginia. As a result, you were dismissed from the HPMP.

c. From on or about June 27, 2008, to July 10, 2008, you were admitted to MCV Hospital, Richmond, Virginia, for an overdose of Tylenol and alcohol.

2. You may have violated §54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing in that on your employment application to River View on the Appomattox Health & Rehab Center, Hopewell, Virginia, dated April 28, 2010, you failed to disclose that your employment was terminated by Glenburnie Rehabilitation and Nursing Center, Richmond, Virginia, on or about April 19, 2010.

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 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.**

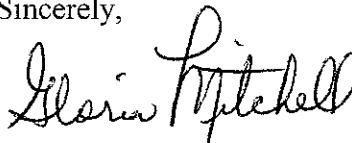
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by November 3, 2010. Your documents may not be submitted by facsimile or email.

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 **November 8, 2010**. 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 November 3, 2010. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after November 8, 2010, 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) 367-4543.

Sincerely,



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

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
James E Rutkowski, Adjudication Specialist
Lynn Austin, Senior Investigator (Case no. 132635 & 121087)
Agency Subordinate

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Peggy Wood, Monitoring Program Manager