



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

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

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

November 20, 2007

Jennifer Bryant, R.N.
46 Pegs Lane
Fredericksburg, VA 22405

sent by overnight mail

RE: VA License No.: 0001-175195
Expiration Date: April 30, 2008

Dear Ms. Bryant:

This letter is official notification that an informal conference of the Virginia Board of Nursing will be held on **December 10, 2007, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, 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 be in violation of an Order of the Board entered September 19, 2006 ("Board's Order"), which placed you on probation under certain terms and conditions:

Specifically:

You may be in violation of the following terms of the Board's Order:

1. Term #2 required you to send written reports to the Board of Nursing Office according to specific timetables. Your reports, including drug screens, self-reports, and logs documenting attendance at recovery group meetings, were consistently late and sometimes missing as detailed below.

2. Term #3 required you to provide written notification to the Board of the acceptance or change in employment. You did not submit said report in a timely manner.

3. Term #5 required you to instruct your employer(s) to submit performance evaluations to the Board. Your employer has not submitted said evaluations.

4. Term #6 required you to complete a mental health and substance abuse evaluation within a designated time frame. You did not complete the evaluation within said time frame.

5. Term #7 required you to instruct your therapist to submit quarterly progress reports to the Board; you were required to submit logs of support group attendance to the Board. Your therapist has not sent reports to the Board, nor have you submitted logs of support group attendance.

6. Term #8 required you to seek prescriptions only from doctors with whom you have established a genuine physician/patient relationship and to have prescribing doctors provide written reports to the Board. You ordered two prescriptions over the internet from a Canadian doctor with whom you did not have a genuine physician/patient relationship; some of your prescribing doctors have not filed reports with the Board.

7. Term #9 required you to have at least one supervised, random drug screen a month, which included testing for alcohol and hydrocodone. Your drug screens have not been random and did not include testing for alcohol and hydrocodone.

8. Term #10 required you to provide all current and future treating practitioners with a complete copy of the Board's Order. You have not given all of your treating practitioners a copy of the Board's Order.

9. Term #11 required you to submit quarterly "Self-Reports." Your self reports have been consistently late.

10. Term #12 required you to return all copies of your license to the Board within 10 days of the entry of this Order. Upon receipt of the old license and a \$5.00 fee, the Board would issue a new license marked: "Valid in Virginia Only; Probation with Terms." You have not returned copies of your license to the Board.

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, 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.**

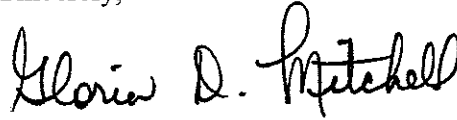
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by December 5, 2007. Your documents may not be submitted by facsimile or email.

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 December 10, 2007. 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 December 5, 2007. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after December 5, 2007, 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 Peter Opper, Adjudication Specialist, at (804) 367-4677.

Sincerely,

A handwritten signature in black ink that reads "Gloria D. Mitchell". The signature is written in a cursive style with a large initial "G" and "M".

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

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions
Anne Joseph, Deputy Director, Administrative Proceedings Division
Peter Opper, Adjudication Specialist
Tonya James, Compliance Case Manager (Case no. 114224)