



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

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

Department of Health Professions

Perimeter Center
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Henrico, Virginia 23233-1463

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March 5, 2013

Eleanor Barnard, L.P.N.
2260 London Street, Apt. A
Chesapeake, Virginia 23454

CERTIFIED MAIL
7160 3901 9849 2206 2111

Re: VA License No.: 0002-079686
Expiration Date: November 30, 2013

Dear Ms. Barnard:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on April 3, 2013, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. During the course of your employment with Autumn Care of Chesapeake, Chesapeake, Virginia:
 - 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 in that on or about October 4, 2012, you stole Xanax (alprazolam, Schedule IV) from a resident's supply. You accomplished this by withdrawing one tablet from the medication cart and failing to account for its administration, wastage, or return.
 - b. You may have violated § 54.1-3007(5) of the Code in that on or about September 7, 2012, by your own admission, you documented administering your assigned residents' afternoon medications before 11:30 a.m. One of the medications was discontinued before the scheduled 1:00 p.m. dose was due.
2. You may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice due to substance abuse, as evidenced by the following: on or about October 10, 2012, you submitted a urine sample that tested positive for an opioid, for which you did not have a prescription. On or about November 26,

2012, in an interview with an investigator for the Department of Health Professions, you admitted to ingesting a family member's Vicodin (hydrocodone, Schedule II) and a friend's narcotic cough syrup.

3. You may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on your application for employment with Autumn Care, which you signed on May 11, 2009, you omitted your prior employment with and termination from Virginia Beach Healthcare.

In its deliberations, the Committee 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.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you; or
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

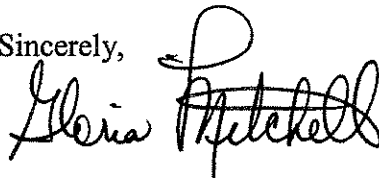
If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4617, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by March 25, 2013. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on 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.**

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.

Sincerely,

A handwritten signature in black ink that reads "Gloria 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

GDM/sk

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Kim Martin, R.N., L.N.P., Senior Investigator (Case no. 147425)
Peggy Wood, Monitoring Program Manager