



COMMONWEALTH of VIRGINIA

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AMENDED NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

January 14, 2013

Sally Phillips, R.N.
3339 Circlebrook Drive, Apt. 1A
Roanoke, VA 24018

CERTIFIED MAIL
71603901984922040218

RE: **VA License No.: 0001-230175**
Expiration Date: August 31, 2014

Dear Ms. Phillips:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **February 13, 2013, at 10:30 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 governing nursing practice in Virginia, and will review your neuropsychological evaluation dated November 29, 2012.

Specifically:

1. You may have violated § 54.1-3007(5) of the Code in that during the course of your orientation on the Palliative Care Unit at Carilion Roanoke Memorial Hospital, Roanoke, Virginia, between December 2011 and January 2012, you committed numerous errors, had difficulty performing routine tasks, had to be

prompted to perform tasks correctly, failed to properly document in patients' charts, and failed to complete tasks in a timely manner. More specifically:

- a. On several occasions, you failed to scan patients before administering medications to them and/or failed to scan medications before administering them to Patients A - E.
- b. On or about January 11, 2012, you drew up 5mg of Haldol to administer the ordered 2mg to Patient F.
- c. On or about January 25, 2012, you started to change Patient G's wound dressing before completing changing his incontinence pad.
- d. On or about January 28, 2012, you failed to perform pain assessments on Patient H after giving her pain medications.
- e. On or about January 29, 2012, you had difficulty reading and changing the rates for Patient I's PCA pump.
- f. On or about January 29, 2012, you documented that Patient J was oriented to place when the patient was actually unresponsive.
- g. On several occasions, your preceptors had to prompt you to not touch medications with bare hands, to check residuals before administering medications via PEG tube, and to check a patient's blood sugar result before administering insulin.

2. You may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice nursing due to your self-reported decline in cognitive function, including confusion and memory loss.

Please see Attachment I for the names of the patients referenced herein.

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/certificate/registration, 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.

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 agency subordinate will take that into consideration when making a recommendation in your case.

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 February 6, 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 **February 13, 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 February 6, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after February 6, 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 this office, at (804) 367-4543.

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, Discipline

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
James E. Rutkowski, Adjudication Specialist
James Wall, Senior Investigator (Case no. 143111)
Agency Subordinate
Peggy Wood, Monitoring Program Manager