

## BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE:**       **DELSA MICHELLE SALLY, C.N.A.**  
              **Certificate Number: 1401-155396**  
              **Expiration Date:     August 31, 2015**  
              **Case Number:        172594**

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### NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE AND STATEMENT OF ALLEGATIONS

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**You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing ("Board") regarding your certificate to practice as a certified nurse aide in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before an Agency Subordinate of the Board.
<b>DATE AND TIME:</b>	<b>November 9, 2016 at 1:00 p.m.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

### LEGAL AUTHORITY AND JURISDICTION:

1.       This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2.       After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- 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 as a certified nurse aide 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 certificate, 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 Virginia Code § 2.2-4020.

### **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 refer the case to a 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 and refer the case to a formal hearing. 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.

### **ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

### **RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

### **INFORMAL CONFERENCE MATERIALS:**

Enclosed is a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the 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.**

### **FILING DEADLINES:**

1. Deadline for filing materials: **November 2, 2016**. Submit five copies of all documents you want the Board to consider to Brenda Krohn, R.N., M.S., Deputy Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Brenda Krohn, R.N., M.S., Deputy Executive Director, at the above address: November 2, 2016. NOTE: the failure to object to exhibits does not deprive you of the right to contest their contents at the proceeding.

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## STATEMENT OF ALLEGATIONS

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The Board alleges that:

1. Ms. Sally violated Term Number 2(b) of the Order of the Board entered February 1, 2012 ("Board's Order"), which required her to notify the Board within ten days of the date she began nurse aide practice, in that she failed to notify the Board of her employment with All Nurses Care, Richmond, Virginia, until April 14, 2014, when, in fact, her employment began on February 14, 2014.
2. Ms. Sally violated Term Number 2(c) of the Board's Order, which required her to inform each employer that she was on probation and provide them with a copy of the Order, in that Ms. Sally failed provide her employer, All Nurses Care, with a copy of the Order.
3. Ms. Sally violated Term Number 2(d) of the Board's Order, which required her to direct her employer to submit performance evaluations quarterly, in that performance evaluations were not received for the periods ending March 31, 2014, June 30, 2014, September 30, 2014, December 31, 2014, and March 31, 2015.
4. Ms. Sally violated Virginia Code § 54.1-3007(6) and Term Number 2(f) of the Board's Order, which required her to attend one of the following recovery organizations two times per week: Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous, Caduceus recovery support groups or other groups acceptable to the Board, in that Ms. Sally did not submit attendance logs for October 2014, November 2014, or any month after April 2015. In the log for December 2014, she documented that she attended seven meetings. In the log for April 2015, she documented that she attended one meeting.

5. Ms. Sally violated Term 2(i) of the Board's Order, which required her to submit self-reports quarterly, in that many of the self-reports were received late and the reports due June 30, 2015, September 30, 2015, December 31, 2015, and March 31, 2016, were not submitted to the Board.



Brenda Krohn, R.N., M.S.  
Deputy Executive Director  
Virginia Board of Nursing



Date