



COMMONWEALTH of VIRGINIA

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

August 25, 2006

Marcia L. Rollins, L.P.N.
P.O. Box 292
196 Stuart Avenue
Stuarts Draft, VA 24477

CERTIFIED MAIL
71603901984887259519

Re: License No.: 0002-063897
Expires: December 31, 2006

Dear Ms. Rollins:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **October 12, 2006, at 2:00 p.m.**, at 6603 West Broad Street, Fifth Floor, 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. 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 the practice of nursing in Virginia. Specifically:

During the course of your employment on the Alzheimer's unit of King's Daughters Community Health and Rehabilitation Center, Staunton, Virginia, you may have violated § 54.1-3007(2) and (5) of the Code, and 18 VAC 90-20-300(A)(2)(f) of the Board of Nursing Regulations in that, on or about June 24, 2005, you failed to conduct a search for a missing resident, an elderly woman with Alzheimer's disease, who was found several hours later face down and unresponsive on the facility's patio. The resident was rushed to the hospital and treated for bruises, dehydration, and heat exhaustion. You had been trained regarding the facility's protocol for locating missing residents and violated said protocol when you did not report the missing resident to her charge nurse or organize a search for the resident.

After consideration of all information, the agency subordinate may:

1. Recommend to the Board that you be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory/regulatory violation has occurred; or
2. 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, and must be claimed at the post office.

To facilitate this proceeding, you should submit four copies of any documents you wish for the agency subordinate to consider to Gloria Mitchell, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, by **October 6, 2006**. Your documents may not be submitted by facsimile or e-mail.

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 **October 12, 2006**. 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 **October 6, 2006**.

Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **October 6, 2006**, 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 medicine 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.

The Board hereby offers to enter into the enclosed Consent Order with you in lieu of an informal conference in this matter. Please review this document, and should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your witnessed signature to the Board office on or before October 6, 2006. Upon its receipt in the Board office, the Consent Order will be entered and the informal conference will be cancelled. You will receive a certified copy of the Consent Order, bearing the date of entry, shortly thereafter. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on October 6th, the Board will proceed with the informal conference as scheduled.

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) 662-9909.

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) 662-9948.

Sincerely,



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

Enclosures

cc: Agency Subordinate
Robert A. Nebiker, Director, Department of Health Professions
Anne Joseph, Deputy Director, Administrative Proceedings Division
Rachel E. Welch, Adjudication Specialist
Robin B. Hamilton, Senior Investigator (103824)