



Policy Name	Participation of Adjudication Specialists in Closed Session			Policy Number	76-10.12
Section Title	Case Decision and Discipline	Section Number	76-10	Former Policy No.	N/A
Approval Authority	Agency Director			Effective Date	6/6/2017
Responsible Executive	Agency Director			Revised Date	6/12/2017
Responsible Office	Administrative Proceedings			Last Reviewed	7/18/2017
Responsible Reviewer	Yeatts, Elaine				

**Purpose:**

To establish guidance for the participation of adjudication specialists in closed session at informal conferences.

**Policy:**

An Adjudication Specialist who participates in closed session after an informal conference will not be involved in the case at the conclusion of the informal conference beyond drafting the decision document. If a case moves to a formal hearing, an Adjudication Specialist who did not participate in closed session will handle the case at formal hearing and will not consult with the Adjudication Specialist who participated in closed session.

**Authority:**

Sections 54.1-2400 (10) and 2.2-4019 of the Code of Virginia

**Procedures:**

A. Pre-Hearing

- APD will draft allegations that contain sufficient detail to meet notice requirements and assist the board members with making informed decisions.
- APD will prepare an Allegation Worksheet for each case.
  - IFC – include as attachment to the notice
  - FH – include as attachment to the notice and as a numbered Commonwealth’s exhibit



*David E. Brown*

## B. Closed Session at Informal Conferences

Depending on the Board's need during a particular informal conference, various options exist for inclusion or exclusion of Adjudication Specialists in closed session.

- Option 1

The Adjudication Specialist will not participate in closed session at informal conferences. The Adjudication Specialist will not be barred from work on the formal hearing should the case be appealed or referred for formal hearing.

- Option 2

On a case-by-case basis, the Adjudication Specialist may participate in closed session if requested by the Board's Executive Director/Deputy Executive Director in advance of the informal conference or if requested to by the Committee Chair at the informal conference. If the Adjudication Specialist participates in closed session, another Adjudication Specialist will be assigned to manage the case at the formal hearing level.

## C. Closed Session at Informal Conferences – Board of Nursing

Due to a high volume of cases, an Adjudication Specialist will participate in closed session of informal conferences held by the Board of Nursing to assist in drafting the decision document. Should the decision be appealed or if the matter is referred to formal hearing, another Adjudication Specialist will be assigned to manage the case at the formal hearing level.

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### **Related Policies:**

<file:///H:/GUIDANCE%20DOCUMENTS/DHP/76-20%20the%20Adjudication%20Process%202014.docx>