

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: BETHANY MILLS, C.N.A. REINSTATEMENT APPLICANT
Certificate Number: 1401-145540
Case Number: 179744

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on November 15, 2017, in Henrico County, Virginia, to receive and act upon Bethany Mills’ application for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia.

Bethany Mills appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated October 19, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Mills notifying her that a formal administrative hearing would be held on November 15, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On June 14, 2011, the Board issued Certificate Number 1401-145540 to Bethany Mills to practice as a nurse aide in the Commonwealth of Virginia. Said certificate was indefinitely suspended by the Board on September 28, 2016.

2. The Board indefinitely suspended Ms. Mills after making findings that during the course of her employment with Mary Washington Hospital, Fredericksburg, Virginia, on May 23,

2015, she was found unresponsive with her head on her desk after she had, by her own admission, taken Ativan in excess of the prescribed dose. She also tested positive for benzodiazepines on a urine drug screen.

3. Ms. Mills filed an application for reinstatement on March 9, 2017.

4. Ms. Mills has generalized anxiety, which has kept her homebound and for which she is not receiving counseling. She stated at the formal hearing that she has been taking Wellbutrin and Elavil. This condition was indicated by apprehension, a choking or smothering sensation, lightheadedness, paresthesias, shortness of breath and tachycardia. She experienced panic attacks triggered by occupational stressors, crowds, and/or public places.

5. Ms. Mills testified that she is waiting for an appointment with a therapist within the next six months because the practice has a waiting list. In response to questioning at the hearing, Ms. Mills stated that she did not believe counseling would be helpful because “there was nothing to talk about.” She has not attempted to join any groups or reach out to the local community services board. Ms. Mills stated that she sees her primary care provider on a monthly basis.

6. Ms. Mills told the Board that she has had anxiety her entire life, but she has learned to cope with her anxiety. She identified some of her stressors, and stated that when she has anxiety, she “just deal(s) with it.” Ms. Mills testified that “she does what she has to do” to deal with her anxiety, and when asked for specifics, she said she does not do anything about it, because her anxiety is normal. Ms. Mills testified that she does not believe she has anxiety when she is working, but she had previously said that new jobs could be a trigger for her anxiety.

7. Ms. Mills testified that she sees her practice as common sense and that she thinks she could reenter the workforce.

8. Ms. Mills testified that her anxiety levels peaked due to an abusive marriage. She testified that she left this relationship as of November 2016.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Virginia Code § 54.1-3007(6).
2. Ms. Mills has not demonstrated that she is prepared to resume the safe and competent practice of a nurse aide.
3. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Mills's health records or health services.


ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The application of Bethany Mills for reinstatement of her certificate to practice as a nurse aide is DENIED. Further, it is ORDERED that the certificate be CONTINUED on INDEFINITE SUSPENSION. Should she petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether Ms. Mills is able to return to the safe and competent practice of nursing. Ms. Mills shall be responsible for any fees that may be required for the reinstatement and/or renewal of the certificate prior to issuance of the certificate to resume practice.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD


So Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

December 11, 2017

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 
Virginia Board Of Nursing