

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: Bethany Mills, C.N.A.
 Certificate Number: 1401-145540
 Case Number: 164082**

RATIFICATION AND ORDER

On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Bethany Mills, C.N.A. was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 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.

Since Ms. Mills failed to appear at the informal conference, this Order shall be considered final. Ms. Mills has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Mills has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on June 21, 2016 in Henrico County, Virginia, to inquire into evidence that Bethany Mills, C.N.A. may have violated certain laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Ms. Mills did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated May 23, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Mills notifying her that an informal conference would be held on June 21, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board office. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Mills and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Bethany Mills, C.N.A. was issued Certificate Number 1401-145540 to practice as a certified nurse aide on June 14, 2011, which is scheduled to expire on June 30, 2017. At all times relevant to the allegations herein, said certificate was in full force and effect. She was previously issued Registration number 0031-006580 to practice as a registered medication aide on March 27, 2013, which expired on April 20, 2014.

2. Bethany Mills, C.N.A. violated Virginia Code § 54.1-3007(5) and (6) in that during the course of her employment with Mary Washington Hospital, Fredericksburg, Virginia, on May 23, 2015, Ms. Mills was found unresponsive with her head on her desk after she had, by her own admission, taken Ativan (lorazepam, C-IV) in excess of the amount prescribed by her physician before starting her shift.

3. Ms. Mills violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a certified nurse aide due to substance abuse and/or chemical dependency, as evidenced by the fact that on May 23, 2015, Ms. Mills received emergency treatment at Mary Washington Hospital for an accidental overdose. Further, Ms. Mills submitted to a urine drug screen that was positive for benzodiazepines.

4. As a result of this incident, Ms. Mills' employment with Mary Washington Healthcare was terminated effective June 1, 2015.

5. Ms. Mills failed respond to any contact attempts by the investigator with the Department of Health Professions.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The certificate issued to Bethany Mills to practice as a nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The certificate of Bethany Mills will be recorded as SUSPENDED.
3. Should Ms. Mills seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Mills to demonstrate that she is safe and competent to return to the practice as a certified nurse aide. 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.

Reviewed and approved on August 25, 2016
By Judith Piersall, R.N., B.S.N.
Agency Subordinate