

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MEGAN COLES, C.N.A.
Certificate Number: 1401-178300
Issue Date: February 18, 2016
Expiration Date: February 28, 2018
Case Number: 178380

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your certificate to practice as a nurse aide in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	November 15, 2017 10:00 A.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Suspend your certificate;
- Revoke your certificate.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board 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 Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board 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 formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: **November 1, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **November 6, 2017**. If no objections have been received by **November 6, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **November 9, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **November 1, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **November 1, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **November 6, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion. NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

REQUEST FOR A CONTINUANCE:

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **November 1, 2017** will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **November 1, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Megan Coles, C.N.A., was certified to practice as a nurse aide in the Commonwealth of Virginia.
2. Megan Coles, C.N.A., violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a nurse aide due to substance abuse and/or mental and/or physical illness, as evidenced by the following:
 - a. On or about January 6, 2017, Ms. Coles was hospitalized at Lewis Gale Medical Center, Salem, Virginia. She reported using marijuana, hashish and THC (tetrahydrocannabinol) on a daily basis for the past seven years, along with “pain pills.” Ms. Coles was discharged on January 9, 2017, and her discharge diagnoses included major depressive disorder, single episode, severe, without psychosis, cannabis abuse and opiate abuse.
 - b. On or about January 26, 2017, Ms. Coles was hospitalized at Carilion Roanoke Memorial Hospital, subsequent to having suicidal thoughts. Upon admission, she tested positive for THC and PCP (phencyclidine). She was discharged on January 31, 2017, with a diagnosis of major depressive disorder, recurrent, severe, without psychotic features.
 - c. On or about February 25, 2017, Ms. Coles was hospitalized at Carilion Roanoke Memorial Hospital, subsequent to a motor vehicle accident. Ms. Coles reported taking her Klonopin (clonazepam, C-IV) and trazodone (C-VI) together, and then getting into her car to drive. She also reported continued use of cannabis and opioids. Upon admission, Ms. Coles tested positive for cannabis and oxycodone (C-II), for which she did not have a valid prescription.


d. On or about March 4, 6, and 20, 2017, Ms. Coles reported to the Emergency Department at Carilion Roanoke Memorial Hospital with complaints of pain and received narcotic medication. Further, on or about March 20, 2017, she tested positive for cannabinoid.

e. On or about March 17, 2017, Ms. Coles' primary care physician noted that Ms. Coles has chronic, and on occasion, intractable nausea, related to her chronic cannabis use. It was also noted that she was not to be given any narcotics.

f. From on or about February 23, 2017 to May 4, 2017, Ms. Coles received mental health treatment at The Center for Emotional Care, Salem, Virginia; however, she failed to disclose her chronic use of cannabis and opioids. On or about February 23, 2017, Ms. Coles reported that her marijuana use was infrequent and that she had no desire to quit. She also denied use of other substances.

g. On or about June 30, 2017, Ms. Coles was convicted of reckless driving related to the incident that occurred on February 25, 2017, and was ordered to complete the Virginia Alcohol Safety Action Program ("VASAP") by the General District Court of Salem, Virginia.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Coles's health records or health services.


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

October 18, 2017
Date