

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELINDA FAYE BROWN, R.N.
License Number: 0001-243295
Case Number: 177897

RATIFICATION AND ORDER

On November 15, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Melinda Faye Brown, R.N., was not present nor was she represented by legal counsel.

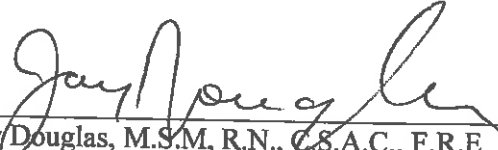
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

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.

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

Since Ms. Brown failed to appear at the informal conference, this Order shall be considered final. Ms. Brown 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. Brown 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 P. 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.

FOR THE BOARD


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

ENTERED AND MAILED ON:

November 30th, 2017

Certified True Copy

By 
Virginia Board of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELINDA FAYE BROWN, R.N.
License Number: 0001-243295
Case Number: 177897

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith E. Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on August 24, 2017, in Henrico County, Virginia, to inquire into evidence that Melinda Faye Brown, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Brown 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 August 3, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Brown notifying her that an informal conference would be held on August 24, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the U.S.P.S. website, the certified mail was available for pickup at the local post 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. Brown and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Melinda Faye Brown, R.N., was issued License Number 0001-243295 to practice professional nursing on March 1, 2013, which is scheduled to expire on December 31, 2017. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. Ms. Brown violated Virginia Code § 54.1-3007(6), as evidenced by the following:
 - a. On September 1, 2015, Ms. Brown was hospitalized pursuant to a temporary detention order (“TDO”) subsequent to attempting suicide.
 - b. On September 16, 2016, Ms. Brown was hospitalized at Carilion Clinic Roanoke, pursuant to a TDO, for methamphetamine abuse, mood disorder and acute psychosis. She was discharged on September 23, 2016, with a diagnosis of bipolar disorder, current episode mixed, mild, with instructions to follow-up with the Valley Community Services Board.
 - c. On September 26, 2016, Ms. Brown was hospitalized at Augusta Health, Fishersville, Virginia, pursuant to a TDO, for bipolar disorder and amphetamine abuse. She was discharged on October 3, 2016.
 - d. On December 2, 2016, Ms. Brown was hospitalized at Augusta Health pursuant to a TDO, for bipolar disorder, mixed episode. She was discharged on December 12, 2016, with instructions to follow-up with the Valley Community Services Board.
 - e. On January 8, 2017, Ms. Brown was hospitalized at Augusta Health pursuant to a TDO, for bipolar disorder and methamphetamine abuse. She was discharged on January 12, 2017, with diagnoses including bipolar disorder, depressed, severe with psychosis and amphetamine/stimulant dependence/abuse. Ms. Brown was instructed to follow-up with the Valley Community Services Board.

f. On January 27-28, 2017, Ms. Brown was treated in the Emergency Department at Augusta Health, for acute psychosis. She tested positive for methamphetamines, amphetamines and benzodiazepines and was subsequently transferred to a psychiatric facility.

g. On March 13, 2017, during an interview with a Department of Health Professions investigator, Ms. Brown reported that she had not seen any mental health providers outside of her hospitalizations, and that she had an upcoming appointment at Valley Community Services Board on March 20, 2017. On March 21, 2017, the evaluating psychiatrist from Valley Community Services Board reported that he had offered Ms. Brown referrals to therapy and substance abuse treatment and she declined both, stating that she did not need them. He also reported that he would be suspect of Ms. Brown's ability to safely practice nursing given her recent hospitalizations and methamphetamine use.

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

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 license issued to Melinda Faye Brown, R.N., to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Ms. Brown will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Ms. Brown, seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Brown to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Brown shall be

responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on September 5, 2017
By Judith E. Piersall, R.N., B.S.N.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing