

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELINDA FAYE BROWN, R.N.
License Number: 0001-243295
Expiration Date: December 31, 2017
Case Number: 177897

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board.
DATE AND TIME:	August 24, 2017 at 1:00 p.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 informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:
 - If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth;
 - Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Board's Review of Agency Subordinate's Recommended Decision

If you appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you fail to appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate 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 Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate 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 informal conference.**

FILING DEADLINES:

Deadline for filing materials: **August 17, 2017**. Submit five copies of all documents you want the Board to consider to Melvina Baylor, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **August 17, 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 **August 17, 2017**.

STATEMENT OF ALLEGATIONS


The Board alleges that:

1. At all times relevant hereto, Melinda Faye Brown, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Ms. Brown violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to mental illness and/or substance abuse, as evidenced by the following:
 - a. On or about September 1, 2015, Ms. Brown was hospitalized pursuant to a temporary detention order (“TDO”) subsequent to attempting suicide.
 - b. On or about 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 or about 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 or about 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 or about 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 or about 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 or about 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 or about 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.

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.


S/ Jodi P. Power, R.N., J.D.
Deputy Executive Director
Virginia Board of Nursing

August 3, 2017
Date