

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ROXANNA M. CALIX, C.N.A.
Certificate No.: 1401-126112**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on July 28, 2015, in Henrico County, Virginia. Ms. Calix was present and was not represented by legal counsel. Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 16, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Calix was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Roxanna M. Calix was issued Certificate No. 1401-126112 to practice as a certified nurse aide in Virginia on September 11, 2008. The certificate is scheduled to expire on September 30, 2015.
2. By letter dated June 30, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Calix notifying her that an informal conference would be held on July 28, 2015. The Notice was sent by certified and first class mail to 17210 Jefferson Davis Highway, Trailer #46, Colonial Heights, Virginia 23834, the address of record on file with the Board of Nursing.
3. Ms. Calix has a history of substance abuse, as evidenced by the following:
 - a. Ms. Calix was convicted of misdemeanor driving while intoxicated ("DWT") on June 18, 2013 in the Chesterfield County, Virginia General District Court with blood alcohol of 0.17.
 - b. Ms. Calix was convicted of misdemeanor second DWI within five years on August 12, 2014 in the Colonial Heights, Virginia General District Court with blood alcohol of 0.20. As a result of this conviction, Ms. Calix served 30 days in jail and her license was suspended for three years.

c. Ms. Calix attended John Tyler ASAP, Richmond, Virginia from June 2013 through March 2014 to address chemical dependency, as required by Court order following her first DWI conviction. Ms. Calix was dismissed from the program without successfully completing it. Ms. Calix re-enrolled with John Tyler ASAP on August 12, 2014 and she is still attending.

d. Ms. Calix received treatment at Castleton Consultants, Inc., Substance Abuse Programs, Richmond, Virginia for chemical dependency starting on May 27, 2014. Ms. Calix successfully completed the program approximately ten months later.

e. During treatment, Ms. Calix stated that she needed help maintaining her sobriety.

4. Ms. Calix attends Alcoholics Anonymous twice a week. Ms. Calix's date of sobriety is March 22, 2014. She has a sponsor and is actively working the steps.

5. During the course of her employment with John Randolph Medical Center, Hopewell, Virginia ("JRMC"), on March 12, 2012, Ms. Calix was found sleeping while assigned one-to-one to a patient who was a high risk of falls. Ms. Calix worked over 16 hours on the day in question. As a result of this incident, Ms. Calix's employment with JRMC was terminated on March 12, 2012.

6. JRMC rehired Ms. Calix in November 2012. Her employment with JRMC was terminated again on May 14, 2014 as a result of her two DWI convictions.

7. Ms. Calix's drivers' license was suspended for three years but Ms. Calix reported this would change to a restricted license on August 12, 2015.

8. Ms. Calix stated that she is currently working at Colonial Heights Healthcare and Rehabilitation Center, Colonial Heights, Virginia and has been working there since June 2014. Ms. Calix's employer is aware of this matter before the Board.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Roxanna M. Calix, C.N.A. shall be placed on INDEFINITE PROBATION for not less than two years of actual nursing practice subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After two years of active practice employment, Ms. Calix may request that the Board end this probation.
 - b. Ms. Calix shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/ patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.
 - c. Ms. Calix shall be required to have one supervised, unannounced random drug screen a month from a Board-approved testing entity, which includes testing for alcohol.
 - d. Ms. Calix shall attend Alcoholics Anonymous or other groups acceptable to the Board twice per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board within ten days of each meeting.
 - e. Performance evaluations shall be provided to the Board, at the direction of Ms. Calix, by all practice employers, using the forms provided by Compliance and available on the Board's website.
 - f. Ms. Calix shall return all copies of her certificate to practice as a certified nurse aide to the Board office within ten days of the date of entry of this Order, along with payment of a duplicate license fee as specified in the regulations governing nursing. Upon receipt, the Board shall issue a replacement certificate marked "Probation with Terms."
 - g. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends. Many of the required report forms are available on the Board's website for your convenience.

h. Ms. Calix shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Calix shall provide a contact name, address, and phone number for each practice employer to the Board.

i. Ms. Calix shall inform all current and future practice employers that the Board has placed her on probation and Ms. Calix shall provide each practice employer with a complete copy of this Order. If Ms. Calix is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

j. Ms. Calix shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any consultants designated by the Board, if applicable.

k. Ms. Calix shall submit “Self Reports” which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Calix has employment or not.

l. Any violation of the stated terms and conditions obtained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the certificate of Ms. Calix, and an administrative proceeding may be held to determine whether her certificate shall be suspended or revoked.


2. Ms. Calix shall maintain a course of conduct in her capacity as a certified nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 54.1-2400.2 of the Code, 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 Section 54.1-2400(10) of the Code, Ms. Calix may, not later than 5:00 p.m., on **November 2, 2015**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing

before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:


Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.

Executive Director
Virginia Board of Nursing

ENTERED: Sept 28, 2015

This Order shall become final on November 2, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By L. Math
Virginia Board Of Nursing