

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: MELINDA LAURINE BYRD ROLLINS, R.N. REINSTATEMENT
APPLICANT**
LicenseNumber: 0001-150148
Case Number: 181558

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on September 18, 2017, in Henrico County, Virginia, to receive and act upon Melinda Rollins' application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

Melinda Lauraine Byrd Rollins, R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated August 30, 2017, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Rollins notifying her that a formal administrative hearing would be held on September 18, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On August 9, 1996, the Board issued License Number 0001-150148 to Melinda Lauraine Byrd Rollins, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license was mandatorily suspended on March 16, 2016.

2. On October 26, 2015, in the Circuit Court of Fauquier County, Virginia, Ms. Rollins was sentenced after having been convicted of one count of felony hit and run with injury/failure to report. Pursuant to Virginia Code § 54.1-2409, this conviction formed the basis for the mandatory suspension of her license by Order of the Department of Health Professions entered March 16, 2016.

3. On June 26, 2016, Ms. Rollins submitted an application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

4. During the course of Ms. Rollins' employment with Oak Spring of Warrenton, Warrenton, Virginia ("Oak Spring"):

a. On January 30, 2015, it was noted by her coworkers that she smelled of alcohol, her eyes appeared "drowsy" and she exhibited an unsteady gait. Moreover, Ms. Rollins withdrew 0.5mg Ativan (lorazepam, C-IV) from the controlled medication cart and left the pill sitting on top of the cart.

b. On March 2, 2015, she was observed by coworkers exhibiting signs of impairment including "stumbling over her words as well as stumbling over her feet."

c. On March 7, 2015, she was observed by coworkers exhibiting signs of "being drunk," including a stumbling gait. Ms. Rollins gave her medication cart/narcotic keys to an unlicensed activities volunteer and left the facility without providing continuation of care for the residents assigned to her. The police found Ms. Rollins on the side of the road shortly thereafter in an inebriated state.

5. On March 12, 2010, in the General District Court of Fauquier County, Virginia, Ms. Rollins was convicted of one count of misdemeanor DUI.

6. On March 26, 2010, in the General District Court of Fauquier County, Virginia, Ms. Rollins was convicted of one count of misdemeanor DUI first offense.

7. On April 2, 2015, in the General District Court of Fauquier County, Virginia, Ms. Rollins was convicted of one count of misdemeanor public swearing/intoxication.
8. On July 10, 2015, in the General District Court of Fauquier County, Virginia, Ms. Rollins was convicted of one count of misdemeanor public swearing/intoxication.
9. On October 26, 2015, in the Circuit Court of Fauquier County, Virginia, she was sentenced after having been convicted of one count of felony hit and run with injury/failure to report. Ms. Rollins acknowledged that in all likelihood, there was alcohol in her system at the time of the accident.
10. Ms. Rollins' records indicate that between November 2014 and April 2016, she received treatment at the Fauquier Free Clinic, Warrenton, Virginia, where she was diagnosed with chronic obstructive pulmonary disease ("COPD"), depression and alcohol abuse.
11. On May 19, 2016 through May 23, 2016, June 24, 2016 through June 26, 2016, and August 21, 2016, Ms. Rollins received treatment at INOVA, Alexandria Hospital, Alexandria, Virginia, where she was diagnosed with COPD with acute exacerbation.
12. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Rollins' health records or health services.
13. Ms. Rollins testified that she is an alcoholic and is aware that it will take "maintenance" to refrain from alcohol in the future. She told the Board that she is aware she can never drink alcohol again and that she currently lives in a sober living environment. Ms. Rollins demonstrated awareness and insight into her disease.
14. At the hearing, Ms. Rollins took responsibility for her felonies and told the Board that she is thankful that there were no more serious injuries. She told the Board that she will be off of probation in April 2018.

15. Ms. Rollins testified that she has changed her habits since her convictions. She explained that she is fully engaged in a comprehensive treatment plan, and evidence supplied by her treatment providers substantiated this. She told the Board that she has a sponsor, attends AA meetings one to two times per week, sees a therapist, and is connected with the local Community Services Board. She testified that her therapist has her undergo drug screens.

16. Ms. Rollins testified that her COPD has affected her ability to work in the past. She told the board that she has stopped smoking, which has helped the condition.

17. Ms. Rollins told the Board her sobriety date is May 5, 2015.

18. Ms. Rollins testified that she would like to work part-time in a hospital, but anticipates that she would probably work in a nursing home.

19. Ms. Rollins told the Board that she has not practiced since March 2015. Ms. Rollins presented certificates demonstrating 31.75 continuing education credits.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(4).
2. Findings of Fact Nos. 4(a) through 4(c) constitute a violation of Virginia Code § 54.1-3007(5), (6) and (8).
3. Findings of Fact Nos. 5 through 11 constitute a violation of Virginia Code § 54.1-3007(6).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Melinda Lauraine Byrd Rollins, R.N., is hereby REPRIMANDED.
2. Ms. Rollins is placed on PROBATION subject to the following terms and conditions:

- a. The period of probation shall begin on the date this Order is entered and shall end at such time as Ms. Rollins has completed 12 months of active professional nursing practice and provided proof that she has been released from state probation.
- b. Ms. Rollins shall only practice professional nursing under the following conditions:
 - i. Under the on-site supervision of a Board-approved professional nurse who holds an unrestricted license.
- c. Ms. Rollins 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 prescribe.
- d. Ms. Rollins shall have one supervised, observed, random drug screen per month from a Board approved testing entity, which includes testing for alcohol. Ms. Rollins shall ensure that the first set of results is received by the Board 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. The Board shall be notified immediately in writing of any positive results or if Ms. Rollins refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.
- e. Ms. Rollins shall attend Alcoholics Anonymous and/or Narcotics Anonymous meetings at least two times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board monthly, by the last day of the month of attendance.

f. Ms. Rollins shall comply with the terms of her state probation. She shall ensure that the probation officer shall provide quarterly reports to the Board regarding Ms. Rollins' compliance with court-ordered probation. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date this Order is entered, and subsequent reports due the last day of the months of March, June, September, and December until Ms. Collins and the probation officers are notified, in writing, that the reporting requirement is ended. Ms. Rollins shall provide the Board with a certified true copy of her final court order placed on record by the Court upon completion of her probation.

g. Ms. Rollins 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. Rollins has current practice employment or not.

h. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date of entry of the Order and subsequent reports due the last day of the months of March, June, September and December until Ms. Rollins is notified, in writing, that the reporting requirement is ended. Ms. Rollins shall notify the Board within ten days, in writing, of: any change in address, telephone number, or e-mail address of Ms. Rollins; changes in the location of her practice; additional practice locations; change in employment, including termination, suspension, separation, or other interruption in practice (including the name and address of any new employer and the date of employment); criminal charges or convictions.

i. Ms. Rollins shall provide her current employer within 45 days of the entry of the Order, and each future employer immediately upon employment with a copy of this Order in its entirety.

- j. Ms. Rollins shall ensure that the supervisor or practice monitor shall provide quarterly reports to the Board regarding Ms. Rollins' clinical judgment, clinical performance, recordkeeping, documentation, medication administration, and overall performance. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date this Order is entered, and subsequent reports due the last day of the months of March, June, September, and December until Ms. Rollins is notified that the reporting requirement is ended.
- k. Ms. Rollins shall ensure that her therapist and/or counselor shall provide quarterly reports to the Board regarding her diagnosis, recommended course of therapy, progress in therapy, compliance with medication management, and a prognosis. Ms. Rollins shall direct the therapist and/or counselor to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date this Order is entered, and subsequent reports due the last day of the months of March, June, September, and December until Ms. Rollins is notified that the reporting requirement is ended.
- l. The Board shall issue Ms. Rollins a license marked "Valid in Virginia Only, Probation with Terms."
- m. Ms. Rollins shall sign all required medical releases and authorization forms within 60 days of the date of entry of this Order allowing for unrestricted communication between and among the Board and her practice supervisor or monitor, her employer and potential and intended employer(s), her probation officer, and her current and future treating healthcare providers.
- n. Ms. Rollins shall bear any costs associated with the terms of this Order.
- o. Ms. Rollins shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

p. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.


q. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Ms. Rollins, and an administrative proceeding shall be held to determine whether to impose such action.

r. The Order shall remain in effect until the Board has notified Ms. Rollins in writing that she is released from probation and all terms and conditions.

s. The Executive Director of the Board is authorized to issue an Order acknowledging satisfactory completion of the foregoing conditions or to refer the matter to administrative proceeding for review of Ms. Rollins' compliance with the foregoing conditions.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

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:

October 24, 2017

Certified True Copy

By drahan
Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.