

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELINDA LAURINE BYRD ROLLINS, R.N.
REINSTATEMENT APPLICANT
License Number: 0001-150148
Suspension Date: March 16, 2017
Case Numbers: 181558, 162125

**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 application for reinstatement of your license to practice professional nursing in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	September 18, 2017 2:00 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 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. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of professional nursing.
3. In considering your application, the Board will consider evidence that grounds exist to deny your application for reinstatement of your license to practice professional nursing, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
 - Approve your application and issue an unrestricted license to practice professional nursing;
 - Approve your application and issue a reprimand, a monetary penalty, and/or a restricted license subject to terms and conditions;

- Deny your application and continue your license on indefinite suspension or revoke your license.

ABSENCE OF APPLICANT AND APPLICANT'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.

APPLICANT'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: **September 11, 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.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **September 13, 2017**. If no objections have been received by **September 13, 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 **September 15, 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: **September 11, 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: **September 11, 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 **September 13, 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 **September 11, 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 **September 11, 2017**.

OTHER IMPORTANT INFORMATION:

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF ALLEGATIONS

The Board alleges that grounds exist to refuse to reinstate the license of Melinda Lauraine Byrd Rollins, R.N., to practice professional nursing in that:

1. Ms. Rollins violated Virginia Code § 54.1-3007(4) in that, 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. 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.
2. Ms. Rollins violated Virginia Code § 54.1-3007(5), (6) and (8) and 18 VAC 90-20-300(A)(2)(f) (currently found at 18 VAC 90-19-230(A)(2)(f) effective February 24, 2017) in that, during the course of her employment with Oak Spring of Warrenton, Warrenton, Virginia (“Oak Spring”):
 - a. On or about 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 or about 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 or about 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.
 - d. Please see Confidential Exhibit.

3. Ms. Rollins violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to physical and/or mental illness and alcohol abuse, as evidenced by the following:
 - a. On or about March 12, 2010, in the General District Court of Fauquier County, Virginia, Ms. Rollins was convicted of one count of misdemeanor DUI.
 - b. On or about March 26, 2010, in the General District Court of Fauquier County, Virginia, Ms. Rollins was convicted of one count of misdemeanor DUI first offense.
 - c. On or about April 2, 2015, in the General District Court of Fauquier County, Virginia, Ms. Rollins was convicted of one count of misdemeanor public swearing/intoxication.
 - d. On or about July 10, 2015, in the General District Court of Fauquier County, Virginia, Ms. Rollins was convicted of one count of misdemeanor public swearing/intoxication.
 - e. 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.
 - f. 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.
 - g. Please see Confidential Exhibit.
 - h. Please see Confidential Exhibit.
 - i. Please see Confidential Exhibit.
 - j. On or about 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.

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.

A handwritten signature in black ink, appearing to read "Jay Douglas, RD, MS". The signature is written in a cursive style and is positioned above a horizontal line.

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

August 31, 2017
Date