

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELISSA RENEE EVERETT, R.N.
License Number: 0001-186521
Case Numbers: 174675, 176764

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on April 4, 2017, in Henrico County, Virginia, to inquire into evidence that Melissa Renee Everett, R.N., may have violated certain laws and regulations governing the practice of nursing in the Commonwealth of Virginia and certain terms imposed on her by an Order of the Board entered February 17, 2016.

Melissa Renee Everett, R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated March 7, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Everett notifying her that an informal conference would be held on April 4, 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 Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Melissa Renee Everett, R.N., was issued License Number 0001-186521 to practice professional nursing on July 29, 2003, which is scheduled to expire on February 28, 2018. At all times

relevant to the findings contained herein, said license was current and active and on probation subject to terms and conditions. Her primary state of residence is Virginia.

2. By Order entered February 17, 2016 (“Board’s Order”), the Board placed Ms. Everett on probation for 12 months of actual nursing employment. This Order was based on findings that Ms. Everett had committed several practice errors and that she was unsafe to practice due to substance abuse and mental illness.

3. Ms. Everett violated Term Number 2 of the Board’s Order, which required her to have her prescribing practitioner submit prescription reports within ten days of any Schedule II-V prescription, in that between February 17 and July 11, 2016, she failed to have her prescribing practitioner submit reports when she was prescribed lorazepam, amphetamine, dextroamphetamine, and methylphenidate.

4. Ms. Everett violated Term No. 3 of the Board’s Order, which required her to have monthly drug screens, in that she failed to submit evidence of drug screening in the months of April, May, and June of 2016.

5. Ms. Everett violated Term No. 4 of the Board’s Order, which required her to have evidence of attendance at two monthly Narcotics Anonymous meetings submitted within ten days of each meeting, in that she failed to have submitted evidence of attendance at Narcotics Anonymous meetings until May 17, 2016, which was for the month of April, 2016. Thereafter, the reports for May and June were received by the Board on July 8, 2016.

6. Ms. Everett violated Term No. 5 of the Board’s Order, which required her to have her practice employer submit performance evaluations to the Board, and Term No. 6 of the Board’s Order, which required reports to be submitted within 60 days of the entry of the Order and quarterly

thereafter, in that her performance evaluation due April 17, 2016 was received on May 2, 2016, and the evaluation due June 30, 2016, was received on July 12, 2016.

7. Ms. Everett violated Term No. 7 of the Board's Order, which required her to inform the Board within ten days of the date any practice employment changed or ended, in that she failed to notify the Board of her October 3, 2016 resignation from Waverly Health and Rehabilitation Center, Franklin, Virginia.

8. Ms. Everett violated Term No. 9 of the Board's Order, which required her to execute a form authorizing disclosure of information and providing for unrestricted communication between the Board, Compliance, and any treatment providers, in that she failed to execute authorization for the Board to communicate with her primary care physician until October 6, 2016.

9. Ms. Everett violated Term No. 10 of the Board's Order, which required her to submit self-reports, and Term No. 6 of the Board's Order, in that the self-report due April 17, 2016 was received on May 17, 2016, and the report due June 30, 2016, was received on July 13, 2016.

10. Ms. Everett continued to fail to submit timely reports until after the Notice of Informal Conference was issued. She did not come into compliance with all terms and conditions of the Board's Order until March 2017. At the informal conference, she recognized that it was her responsibility to comply with the Board's Order and stated that she was ready to be compliant going forward.

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

ORDER

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

1. Melissa Renee Everett, R.N., is REPRIMANDED.

2. Ms. Everett's period of probation is extended for an additional 12 months from February 17, 2016, for a total of 24 months of actual nursing practice, under the same terms and conditions as stated in the February 17, 2016 Order, to wit:

a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Everett has completed one year of actual nursing practice in employment as a professional nurse ("practice employment"). The license of Ms. Everett shall be reinstated without restriction at the completion of the probationary period without an administrative hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision with the Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*, and Virginia Code § 54.1-2400(9) *et seq.*

b. Ms. Everett 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. Everett shall be required to have one supervised, unannounced random drug screen once a month, from a Board approved testing entity, which includes testing for alcohol. The Board may accept urine drug screens from her current practitioner. The Board shall be notified immediately in writing if Ms. Everett refuses to give a specimen for analysis as required by this Order, or of any positive results. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

d. Ms. Everett shall attend Narcotics Anonymous two times a month and shall have written evidence of attendance by a sponsor or contact person sent to the Board within ten days of each meeting.

e. Ms. Everett shall cause performance evaluations to be provided to the Board, at the direction of herself, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.

f. Written reports are required by the 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.

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

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

i. Ms. Everett 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.

j. Ms. Everett 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. Everett has current practice employment or not.

k. Ms. Everett shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of Virginia Code § 54.1-3000 *et seq.* and the Board of Nursing Regulations.

l. This Order is applicable to Ms. Everett’s multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Everett shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of both the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

3. Any violation of the stated terms and conditions contained in this Order, failure to comply with all terms of this Order within five years of the date of entry of the Order, or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall be reason for suspending or revoking the license of Ms. Everett, and an administrative hearing may be held to determine whether her license shall be suspended or revoked.

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:

April 19th, 2017

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Everett may, not later than 5:00 p.m., on May 22, 2017, notify Jay P. Douglas, 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. This Order shall become final on May 22, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing