

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           MELISSA EVERETT, R.N.  
                  License No.: 0001-186521**

**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 November 10, 2015 in Henrico County, Virginia. Ms. Everett was present and was represented by Margaret Hardy, Esquire. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Everett submitted written comments/objections.

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. Melissa Everett, R.N., was issued License No. 0001-186521 to practice professional nursing in Virginia on July 29, 2003. Said license is set to expire on February 29, 2016. Ms. Everett's primary state of residence is Virginia.
2. By letter dated October 13, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Everett notifying her that an informal conference would be held on November 10, 2015. The Notice was sent by certified and first class mail to 22439 Drewry Road, Drewryville, Virginia, 23844, the address of record on file with the Board of Nursing.

3. During the course of her employment with Southampton Memorial Hospital, Franklin, Virginia:

a. On January 31, 2015, by her own admission, Ms. Everett ordered an abdominal x-ray for a pediatric patient without a physician's order.

b. On August 20, 2012, Ms. Everett ordered and administered propofol bolus to a patient without a physician's order.

c. On October 17, 2014, Ms. Everett disregarded a physician's orders to anesthetize a patient's nasal passage and place a 16 French tube in the patient's right nostril. Ms. Everett placed an 18 French tube in the left nostril of the patient, which had not been anesthetized. In addition, Ms. Everett argued with the physician in front of the patient about the physician's order and his treatment plan.

4. At the informal conference, Ms. Everett stated that on October 17, 2014, she followed normal nursing procedures and admitted that she did not follow the physician's verbal orders concerning the specific size of the French tube and manner of anesthetizing the patient's nostril.

5. On March 27, 2015, Ms. Everett tested positive for marijuana on a pre-employment urine drug screen with Chesapeake Regional Medical Center.

6. By her own admission, Ms. Everett used marijuana sporadically for several years and began to use marijuana regularly following her termination from Southampton Memorial Hospital on February 4, 2015, after eight and a half years of employment. On April 21, 2015, Ms. Everett entered into a substance abuse recovery program with Phipps Family Services, Emporia, Virginia.

7. At the informal conference, Ms. Everett stated that she used marijuana approximately once a week for 10 to 12 years, and the last time she used marijuana was on April 8, 2015.

8. On September 28, 2015, Ms. Everett completed a 15 session substance abuse program for marijuana use. Ms. Everett stated that she currently attends NA meetings once a month and counseling monthly.

9. Ms. Everett has been diagnosed with major depressive disorder and anxiety disorder. Between October 2014 and November 2014, by her own admission, Ms. Everett remained out of work for approximately three weeks due to stress and anxiety related to her nursing employment at Southampton Memorial Hospital.

10. Ms. Everett is currently prescribed Adderall, citalopram, and lorazepam by her primary care physician. Ms. Everett's physician provided a letter of support and indicated that in his opinion, Ms. Everett was capable and competent to practice as a nurse. Ms. Everett's counselor also submitted a letter on her behalf. Ms. Everett's counselor indicated that in her opinion, Ms. Everett could work as a nurse with the expectation that she continue to participate in counseling.

#### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and 3(b) constitute a violation of §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(a) and (f) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 3(c) constitutes a violation of §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.

3. Findings of Fact Nos. 5, 6 and 9 constitute a violation of §54.1-3007(6) of the Code.

#### ORDER

WHEREFORE, it is hereby ORDERED that Melissa Everett, R.N., shall be placed on PROBATION for one year of actual nursing practice subject to the following terms and conditions:

1. 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, §2.2-4000 et seq. and §54.1-2400(9) et. seq. of the Code.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. Ms. Everett shall return all copies of her license to practice professional nursing 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

professional nurse license marked “Valid in Virginia Only; Probation with Terms.”

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


13. 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.

14. 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 § 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. Everett may, not later than 5:00 p.m., on March 21, 2016, 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 he/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:

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

ENTERED: February 17, 2016

This Order shall become final on March 21, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board of Nursing