

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELANIE DARE GARRETT, R.N.
License Number: 0001-262575
Case Number: 175323

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Melanie Dare Garrett, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Garrett's license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Melanie Dare Garrett, R.N., was issued License Number 0001-262575 to practice professional nursing on December 30, 2015, which is scheduled to expire on September 30, 2017. Her primary state of residence is Virginia.
2. Ms. Garrett violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(f) effective February 24, 2017) in that during the course of her employment with Riverside Regional Medical Center, Newport News, Virginia, between May 2016 and August 2016, she diverted Dilaudid (hydromorphone, C-II) and morphine (C-II) for her own personal and unauthorized use. Ms. Garrett accomplished this diversion by documenting waste of the medication and then putting it in her pocket to take home and use. Further, when asked to submit to a for-cause urine drug screen, on August 4, 2016, Ms. Garrett used a patient's urine specimen to pass an

unwitnessed drug screen. Ms. Garrett submitted to a second for-cause urine drug screen on August 5, 2016, which was positive for opiates.

3. As a result of this incident, Ms. Garrett's employment with Riverside Regional Medical Center was terminated on August 8, 2016.

4. Ms. Garrett enrolled in the Health Practitioners' Monitoring Program and signed a Participation Contract on September 29, 2016.

CONSENT

Melanie Dare Garrett, R.N., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Jessica Flage, Esq.;

2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;

3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;

4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my license to practice professional nursing in the Commonwealth of Virginia.

ORDER

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

1. The Board shall TAKE NO ACTION at this time, contingent upon Ms. Garrett's compliance with the following terms and conditions:
 - a. Ms. Garrett shall continue to comply with all terms and conditions of her Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified in the Contract.
 - b. Upon receipt of evidence of Ms. Garrett's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Garrett's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.
 - c. This Order is applicable to Ms. Garrett's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Garrett shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
 - d. Ms. Garrett shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.
2. Failure to comply with the terms and conditions of this Order shall constitute grounds for an administrative proceeding before the Board.

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

ENTERED: April 7th, 2017

SEEN AND AGREED TO:

Melanie Dare Garrett RN
Melanie Dare Garrett, R.N.



COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF James City, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this 09 day of March, 2017.

Kera L. Tavares
Notary Public

My commission expires: 10/31/2020

Registration No.: 7517878

Certified True Copy

By [Signature]
Virginia Board of Nursing