

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:                           LORI MILLER, R.N. REINSTATEMENT APPLICANT**  
**License No.: 0001-150855**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on October 2, 2012, in Henrico County, Virginia, to receive and act upon the application of Lori Miller for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Miller may have violated certain laws and regulations governing professional nursing practice. Ms. Miller was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Lori Miller was issued License No. 0001-150855 to practice professional nursing in the Commonwealth of Virginia on October 1, 1996. Said license was indefinitely suspended by Order of the Board entered on July 19, 2005, due to findings of substance abuse. Her primary state of residence is Virginia.
2. By letter dated September 5, 2012, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Miller notifying her that an informal conference would be held on October 2, 2012. The Notice was sent by certified and first class mail to 11725 Fort Lee Drive, Remington, Virginia 22734, the address of record on file with the Board of Nursing.
3. Ms. Miller submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on May 1, 2012.

4. A summary report from Behavioral Healthcare of Rappahannock-Rapidan, Culpeper, Virginia, dated June 29, 2012, stated that from May 15, 2008, to April 26, 2010, Ms. Miller was remarkable for her active addiction and addictive behaviors, and her lack of interest and cooperation in her own recovery.

5. On November 27, 2007, in the Loudon County, Virginia, Circuit Court, Ms. Miller was convicted of felony prescription fraud.

6. On November 21, 2007, in the Culpeper County, Virginia, Circuit Court, Ms. Miller was convicted of felony prescription fraud.

7. On October 22, 2007, in the Fauquier County, Virginia, Circuit Court, Ms. Miller was convicted of felony prescription fraud.

8. On June 4, 2007, in the Fauquier County, Virginia, General District Court, Ms. Miller was convicted of petit larceny, a misdemeanor involving moral turpitude.

9. On Ms. Miller's application for reinstatement of license as a registered nurse following suspension or revocation received by the Board on May 1, 2012, Ms. Miller answered "No" to the question "Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing?" when, in fact, she suffers from a chemical dependency condition that could interfere with her ability to practice professional nursing as evidenced above. At the informal conference, Ms. Miller acknowledged that she should have answered "Yes" to the question.

10. At the informal conference, Ms. Miller stated that in January, 2010, she entered 30 days of inpatient treatment at Boxwood Substance Abuse Treatment Center before serving 30 months of incarceration, which began in February, 2010. Her sobriety date is January 5, 2010. Ms Miller reported that currently she has a sponsor and attends Alcoholics Anonymous and Narcotics Anonymous three times a week. Ms. Miller also admitted that she suffers from depression. Ms. Miller stated that she is employed as

an administrative assistant at a family practice, and her supervisor, who is a physician, knows she is here. Ms. Miller also submitted documentation of completing 15 hours of continuing education units. Ms. Miller stated that she is aware that she needs to take a refresher course, and she is willing to attend counseling. Finally, Ms. Miller still owes \$ 1,500.00 in fines and court costs for the above convictions.

### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
2. Findng of Fact Nos. 5, 6, and 7 constitute a violation of § 54.1-3007(2), (4), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice Nursing (“Regulations”).
3. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(4) of the Code.
4. Finding of Fact No. 9 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.
5. The Board concludes that Ms. Miller has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner, with certain restrictions.

### **ORDER**

On the basis of the foregoing, the Committee hereby ORDERS that the license of Lori Miller is hereby REINSTATED and that Ms. Miller shall be placed on INDEFINITE PROBATION for a period of not less than two years of actual nursing practice and 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. Miller has completed two years of active employment as a professional nurse. The license of Ms. Miller shall be reinstated without restriction at the completion of the probationary period without a 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 in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.

2. Ms. Miller shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Miller shall provide the name and address of each employer to the Board.

3. Ms. Miller shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Miller is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

4. Performance Evaluations shall be provided, at the direction of Ms. Miller, by all nursing employer(s), as provided by the Compliance Division. The first report must be 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.

5. Ms. Miller shall enroll in and successfully complete a Board-approved refresher course and shall not practice until she has provided written evidence to the Board of satisfactory completion of said course and has received permission from the Board to do so.

6. For the first year of employment as a professional nurse after being placed on probation, Ms. Miller shall not administer any Schedule II - V controlled substances, the Schedule VI controlled substance Nubain, or any other controlled substances designated by the Board.

7. Ms. Miller shall have an evaluation by a chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 45 days from the date this Order is entered. Ms. Miller shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by

the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Miller is discharged from therapy. Ms. Miller shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

8. Ms. Miller 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.

9. Ms. Miller shall attend Alcoholics Anonymous /Narcotics Anonymous /Caduceus recovery support groups /or other groups acceptable to the Board one or more times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board monthly.

10. Ms. Miller shall request her court appointed probation officer to provide the Board with a written report describing how she is meeting the conditions of her probation, to include drug screens, within 60 days from the date this Order is entered.

11. Ms. Miller 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.

12. Ms. Miller 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 and any court-appointed probation or parole officers and any consultants designated by the Board.

13. Ms. Miller shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be 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.

14. The Board shall issue a license marked “Valid in Virginia Only; Probation with Terms.”

15. Ms. Miller shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Regulations Governing the Practice of Nursing.


16. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Lori Miller and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

17. This Order is applicable to Ms. Miller’s multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Miller 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 wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.


Pursuant to Section 54.1-2400(10) of the Code, Ms. Miller may, not later than 5:00 p.m., on **November 26, 2012**, 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.

FOR THE COMMITTEE:

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

ENTERED: October 22, 2012

This Order shall become final on **November 26, 2012**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy  
By   
Virginia Board of Nursing