

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

LORI ANN MILLER, R.N.

CONSENT ORDER

Pursuant to § 2.2-4019, § 2.2-4021, and § 54.1-2400(10) of the Code of Virginia (1950), as amended (the "Code"), an informal conference was held before a Special Conference Committee of the Board of Nursing (the "Committee") on April 11, 2005, in Henrico County, Virginia, to receive and act upon evidence that Lori Ann Miller, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Miller was not present and was not represented by counsel.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Lori Ann Miller, R.N., holds License No. 0001-150855 issued by the Virginia Board of Nursing.
2. Ms. Miller violated § 54.1-3007(6) of the Code, in that:
 - a. During the course of her employment at Fauquier Hospital, Warrenton, Virginia, on or about April 22, 2004, she reported to her supervisor that she felt she had a problem with narcotics, and that she needed help. She was placed on unpaid leave until she was prepared to return to work. However, during her leave of absence, she began to call coworkers at the hospital and at least one coworker at her home, making inquiries about obtaining prescriptions for narcotic painkillers. As a result, on November 30, 2004, the hospital terminated her employment for

disruptive behavior and her failure to comply with the Health Practitioners' Intervention Program.

b. She entered a Participation Contract with the Health Practitioners' Intervention Program ("HPIP") on May 17, 2004, and entered a Recovery Monitoring Contract on July 28, 2004. The HPIP sent her a revised Recovery Monitoring Contract, which she failed to sign. She resigned from the HPIP by a letter sent by facsimile to the HPIP on November 8, 2004. The HPIP Committee dismissed her from the program by letter dated December 10, 2004. While in the HPIP, she submitted seven (7) positive urine drug screens, as detailed below:

- i. On July 26, 2004, she tested positive for butabital, a Schedule III controlled substance, propoxyphene, a Schedule IV controlled substance, and hydrocodone, a Schedule III controlled substance. At the time, she had a valid prescription for hydrocodone.
- ii. On August 4, 2004, she tested positive for propoxyphene.
- iii. On October 20, 2004, she tested positive for tramadol, a Schedule VI controlled substance.
- iv. On October 21, 2004, she tested positive for tramadol.
- v. On October 30, 2004, she tested positive for propoxyphene.
- vi. On November 2, 2004, she tested positive for codeine, a Schedule III controlled substance.
- vii. On November 3, 2004, she tested positive for propoxyphene.

She also submitted seven (7) negative urine drug screens, of which two were diluted.

c. On October 6, 2004, she entered intensive outpatient treatment at Prince William

Hospital. She was administratively dismissed from the program on November 6, 2004, after four (4) positive urine drug screens, detailed at (a)(iv-vii), above.

- d. Between January 26, 2004 and December 17, 2004, she received approximately 42 prescriptions for approximately 1,324 dosage units of narcotic painkillers from approximately 20 different physicians.
- e. She has diagnoses of opioid dependence and depression.

CONSENT

Lori Ann Miller, R.N., by affixing her signature hereon, agrees to the following:

1. Ms. Miller acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
2. Ms. Miller acknowledges that she is fully aware that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000 A, et seq., of the Code;
3. Ms. Miller acknowledges that she has the following rights among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against her;
4. Ms. Miller waives all such right to a formal hearing;
5. Ms. Miller admits to the above Findings of Fact;
6. Ms. Miller consents to the entry of the following Order affecting her practice as a registered nurse in the Commonwealth of Virginia.

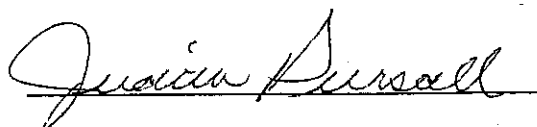
ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Consent Order, and in lieu of further proceedings, hereby ORDERS that License No. 0001-150855 issued to Lori Ann Miller, R.N., be and hereby is INDEFINITELY SUSPENDED. At such time as she shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to receive evidence satisfactory to the Board that she is capable of resuming the safe and competent practice of nursing.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code of Virginia (1950), as amended, the signed original of this Consent 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.

Upon entry of this Consent Order, the license of Ms. Miller will be recorded as suspended and no longer current. Consistent with the terms of this Consent Order, in the event that Ms. Miller seeks reinstatement of her license, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

FOR THE BOARD



~~Louisa Lief, R.N., M.S.N.~~

President

ENTERED: _____

July 19TH, 2005

SEEN AND AGREED TO:

Lori Ann Miller
Lori Ann Miller, R.N.

COMMONWEALTH OF VIRGINIA,

COUNTY/CITY OF Fauquier, TO WIT:

Subscribed and sworn to before me, Carolyn Anderson a Notary Public, this

11 day of 7, 2005.

My commission expires the 11 day of 7, 2005.

Carolyn Anderson

NOTARY PUBLIC

~~Exp 10-31-2005~~

JUL 14 2005

VA BOARD OF NURSING

Certified True Copy

By DA 7/25/05

Virginia Board of Nursing