

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: APRIL DAWN MILLER, R.N.
License Number: 0001-166623
Case Number: 170223, 173656

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on November 16, 2016, in Henrico County, Virginia, to inquire into evidence that April Dawn Miller, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

April Dawn Miller, R.N., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated October 25, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Miller notifying her that a formal administrative hearing would be held on November 16, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The Notice was also sent by certified and first class mail to a secondary address. According to the USPS tracking website, the Notice sent by certified mail to the address of record was returned to the Board office on October 29, 2016 because the respondent moved and left no address and the Notice sent by certified mail to the secondary address was delivered on November 5, 2016. The Notices sent by first class mail were not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Miller and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On August 24, 1999, the Board issued License Number 0001-166623 to April Dawn Miller, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license is scheduled to expire on August 31, 2017. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.
2. During the course of her employment with Avante at Waynesboro, Virginia (“Avante”), on September 18, 2015, Ms. Miller failed to obtain medication orders or order medications for a newly admitted resident, and falsely documented on the admission record that she had done so.
3. As a result of this incident, Ms. Miller’s employment with Avante at Waynesboro was terminated on September 18, 2015.
4. On October 15, 2015, on the application for employment with Augusta Nursing and Rehabilitation, Fishersville, Virginia (“Augusta”), Ms. Miller falsely indicated that her reason for leaving Avante was “personal conflicts” when, in fact, her employment with Avante had been terminated on September 18, 2015, for resident neglect and falsifying the resident’s record.
5. During the course of her employment with Augusta, on May 1, 2016:
 - a. Ms. Miller removed two oxycodone tablets (C-II) from a resident’s supply and documented administering one tablet and wasting the other, as she had purportedly dropped the second tablet in the resident’s room. However, the alert and oriented resident denied that Ms. Miller had dropped anything in her room.

b. Ms. Miller removed one Ativan tablet (lorazepam, C-III) from a resident's supply at 10:00 a.m.; however, the resident did not have an order for Ativan at that time.

c. Ms. Miller removed two Ativan tablets from a resident's supply at 1:00 p.m. and documented administering one tablet and wasting the other; however, the nurse who is documented as witnessing the waste denied witnessing Ms. Miller's waste of this medication.

6. During the course of her employment with Augusta, on April 29, 2016, when a resident fell in her room, Ms. Miller failed to notify the provider choice nurse or the resident's physician of the fall. Further, she falsely documented that she was present when the resident injured her wrist and that she lowered the resident to the floor; however, the alert and oriented resident stated that she was alone when she fell.

7. When confronted with these allegations, Ms. Miller told the Augusta Director of Clinical Services that she had timely informed the provider choice nurse about the resident fall. The nurse denied that Ms. Miller had reported the resident fall to her.

8. During Augusta's investigation of these incidents, Ms. Miller left the facility and failed to respond to several contact attempts and attempts to schedule a urine drug screen. After several days, Ms. Miller did notify Augusta that she was in West Virginia and she never returned to the facility.

9. As a result of these incidents, Ms. Miller's employment with Augusta was terminated on May 6, 2016.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2 and 6 constitute a violation of Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 4 constitutes a violation of Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

3. Findings of Fact Nos. 5(a) through 5(c) constitute a violation of Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations.


ORDER

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

1. The license issued to April Dawn Miller, R.N., to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of April Dawn Miller, R.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Ms. Miller, seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Miller to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Miller shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

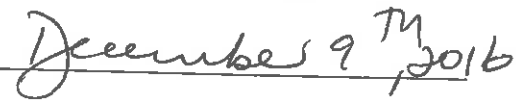
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

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 ON:



December 9TH, 2016

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 

Virginia Board Of Nursing