

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **APRIL DAWN MILLER, R.N.**
License Number: **0001-166623**
Issue Date: **August 24, 1999**
Expiration Date: **August 31, 2017**
Case Number: **173656, 170223**

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	November 16, 2016 1:00 P.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Suspend your license;
- Revoke your license.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: November 4, 2016. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: November 4, 2016. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **November 4, 2016**. If you have not filed any objections by November 4, 2016, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. If you do file objections, the Commonwealth has until **November 4, 2016**, to file a response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **November 4, 2016**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **November 4, 2016**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, April Dawn Miller, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.

2. April Dawn Miller, R.N. violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”) in that during the course of her employment with Augusta Nursing and Rehabilitation, Fishersville, Virginia (“Augusta”), on or about May 1, 2016, she diverted controlled substances for her personal and/or unauthorized use and falsified resident records, as evidenced by the following:

a. Ms. Miller removed two oxycodone tablets (C-II) from Resident A’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 Resident B’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 Resident B’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.

3. Ms. Miller violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations in that during the course of her employment with Augusta, on or about April 29, 2016, when Resident A 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

Resident A 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.

4. Ms. Miller violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations in that during the course of her employment with Avante at Waynesboro, Waynesboro, Virginia, on or about September 18, 2015, she failed to obtain medication orders or order medications for newly admitted Resident C, and falsely documented on the admission record that she had done so.

5. Ms. Miller violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on or about October 15, 2015, on the application for employment with Augusta, she falsely indicated that her reason for leaving Avante was “personal conflicts” when, in fact, her employment with Avante had been terminated on or about September 18, 2015, for resident neglect and falsifying the resident’s record.

See Confidential Attachment I for the names of the residents referenced above.



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

October 25TH, 2016
Date