

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELISSA ELAINE HOLLOWAY, L.P.N.
License Number: 0002-068344
Expiration Date: 9/30/2017
Case Number: 168869

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing (“Board”) regarding your license to practice practical nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board of Nursing.
DATE AND TIME:	September 13, 2016 at 9:00 a.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 informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice practical nursing in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, continuing probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate 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 Agency Subordinate will rely in making a 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 EXHIBIT:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate 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 informal conference.**

FILING DEADLINES:

1. Deadline for filing exhibits: **August 19, 2016**. Submit 5 copies of all documents you want the Board to consider to Gloria Mitchell-Lively, R.N., M.S.N., M.B.A., Deputy Executive Director, 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 Gloria Mitchell-Lively, R.N., M.S.N., M.B.A., Deputy Executive Director, at the above address: August 19, 2016. NOTE: the failure to object to exhibits does not deprive you of the right to contest their contents at the proceeding.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that:


1. At all times relevant hereto, Melissa Elaine Holloway, L.P.N. was licensed to practice practical nursing in the Commonwealth of Virginia.
2. Ms. Holloway violated Term Number 2(f) of the Order of the Board of Nursing entered October 4, 2012 (“Board’s Order”), which required her to abstain from alcohol and any mood-altering chemicals unless prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes, and if she is prescribed a C-II through V controlled medication, to have the prescribing practitioner provide a written report to the Board within ten days of the medication being prescribed, in that:
 - a. Ms. Holloway submitted three self-reports in April, July and October of 2013, where Ms. Holloway indicated that she was taking methadone (C-II). Ms. Holloway failed to have a practitioner’s written report submitted to the Board regarding her methadone prescriptions.
 - b. A prescription monitoring report obtained March 10, 2016, indicated that Ms. Holloway had been prescribed tramadol (C-IV) on August 10, 2015. Ms. Holloway failed to have a physician’s report for that medication submitted to the Board.
3. Ms. Holloway violated Term Number 2(g) of the Board’s Order, which required her to have two supervised, unannounced random drug screens a month from a Board-approved testing entity with the first set of results being received by the Board within 60 days of the entry of the Board’s Order and the remaining results being received quarterly by the last days of March, June, September and December until the period of probation has ended. On July 31, 2013, it was discovered that Ms. Holloway’s drug screens were not random but scheduled. The facility she was using for drug screens

was not approved as a testing entity until October 18, 2013. Ms. Holloway failed to have drug screen results submitted to the Board after October 7, 2013.

4. Ms. Holloway violated Term Number 2(h) of the Board's Order, which required her to attend Narcotics Anonymous, Caduceus recovery support groups or other groups acceptable to the Board at least two times a week. She was to have written evidence from a sponsor or contact person sent to the Board within five days of each meeting, and she was required to have a sponsor within 60 days of the entry of the Board's Order. Ms. Holloway failed to acquire a sponsor within 60 days and she failed to submit any recovery group attendance logs after October 23, 2013.

5. Ms. Holloway violated Term Number 2(i) of the Board's Order, which required her to provide all current and future treating practitioners with a complete copy of the Board's Order. Ms. Holloway did not provide any evidence to the Board that Udak Akan-Etuk, M.D., the physician that prescribed tramadol (C-IV) to her in August 2015, has received the Board's Order.

6. Ms. Holloway violated Term Number 2(j) of the Board's Order, which required her to provide self-reports to the Board within 60 days of the entry of the Board's Order and then quarterly by the last days of March, June, September and December until the period of probation has ended. The self-report due December 3, 2012, 60 days after the entry of the Board's Order, was not received. The self-reports due December 31, 2012, and March 31, June 30, and September 30, 2013, were all received late. No self-reports were received by the Board after the report due September 30, 2013.



Gloria Mitchell-Ivily, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing



Date