

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELISSA ELAINE HOLLOWAY, L.P.N.
License Number: 0002-068344
Case Number: 168869

RATIFICATION AND ORDER

On November 16, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Melissa Elaine Holloway, L.P.N., was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 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.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Holloway's health records or health services.

Since Ms. Holloway failed to appear at the informal conference, this Order shall be considered final. Ms. Holloway has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Holloway has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD



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

ENTERED AND MAILED ON:

November 23, 2014

Certified True Copy

By L. Brath
Virginia Board Of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELISSA ELAINE HOLLOWAY, L.P.N.
License Number: 0002-068344
Case Number: 168869

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., J.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on September 13, 2016 in Henrico County, Virginia, to inquire into evidence that Melissa Elaine Holloway, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Holloway did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated August 4, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Holloway notifying her that an informal conference would be held on September 13, 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. Both Notices sent by certified mail were returned unclaimed to the Board office. Only the Notice sent by first class mail to the secondary address was returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Holloway and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Melissa Elaine Holloway, L.P.N., was issued License Number 0002-068344 to practice practical nursing on April 1, 2004, which is scheduled to expire on September 30, 2017. Her primary state of residence is Virginia.
2. Pursuant to an Order of the Board entered October 4, 2012 ("Board's Order"), The Board placed Ms. Holloway's license on indefinite probation for not less than two years employment as a practical nurse and required her to comply with certain terms and conditions. The Board's Order was based on her failure to comply with a prior Board Order when she was discharged from the Health Practitioners' Monitoring Program ("HPMP") due to non-compliance. She was originally admitted to the program because of substance abuse and theft of controlled substances from her employer.
3. Ms. Holloway violated Term Number 2(f) of the 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. In self-reports submitted in April, July and October of 2013, she 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.

4. 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, in that on July 31, 2013, it was discovered that Ms. Holloway's drug screens were not random but scheduled. In addition, the facility she was using for drug screens was not approved as a testing entity until October 18, 2013. Further, Ms. Holloway failed to have drug screen results submitted to the Board after October 7, 2013.

5. 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, to have written evidence from a sponsor or contact person sent to the Board within five days of each meeting, and to have a sponsor within 60 days of the entry of the Board's Order, in that she failed to acquire a sponsor within 60 days and she failed to submit any recovery group attendance logs after October 23, 2013.

6. 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, in that she failed to provide any evidence to the Board that Udak Akan-Etuk, M.D., the physician who prescribed tramadol (C-IV) to her in August 2015, had received the Board's Order.

7. 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.

8. In an interview on September 3, 2015, Ms. Holloway reported to the Compliance Case Manager that her sobriety date was February 9, 2010 and that she has not worked in nursing since 2015.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Melissa Elaine Holloway, L.P.N., is REPRIMANDED.
2. The license issued to Ms. Holloway to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
3. The license of Ms. Holloway will be recorded as SUSPENDED.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. Should Ms. Holloway seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Holloway to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Holloway 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.

Reviewed and approved on October 25, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate