

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           MELISSA HOLLOWAY, L.P.N.**  
**License No.: 0002-068344**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on June 20, 2012, in Henrico County, Virginia. Melissa Holloway, L.P.N., was present and was not represented by legal counsel. Janet Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 12, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Holloway was present and was not represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1.       Melissa Holloway, L.P.N., was issued License No. 0002-068344 to practice practical nursing in Virginia on April 1, 2004. The license is scheduled to expire on September 30, 2013. Ms. Holloway's primary state of residence is Virginia.

2.       By letter dated June 5, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Holloway notifying her that an informal conference would be held on June 20, 2012. The Notice was sent by certified and first class mail to 4105 Fort Sumter Court, Midlothian, Virginia 23112, the address of record on file with the Board of Nursing.

3. On November 23, 2010, the Board entered an Order that took no action against Ms. Holloway's license to practice practical nursing contingent upon her continued compliance with the terms and conditions with the Health Practitioners' Monitoring Contract ("HPMP"). This action was a result of Ms. Holloway's entry into the HPMP on September 10, 2009, following her termination from Bon Secours Memorial Regional Medical Center, Mechanicsville, Virginia, for diversion of narcotic medications during the course of her employment from March 2009, until August 13, 2009. On March 24, 2010, Ms. Holloway entered an intensive outpatient program and began methadone (C-II) treatment.

4. Term No. 1 of the Order of the Board ("Board's Order"), required Ms. Holloway to continue to comply with the terms and conditions of her contract with the HPMP. On August 19, 2011, she was dismissed from the HPMP for noncompliance with her Recovery Monitoring Contract, including failing to comply with the urine toxicology screening program.

5. Ms. Holloway stated that there were mistakes made by the HPMP that made it difficult to impossible for her to comply with the terms of the HPMP.

6. Ms. Holloway stated that her date of sobriety is March 18, 2010.

7. Ms. Holloway stated that she receives services at the Family Counseling Center, Richmond, Virginia. She sees her counselor once a month and has random drug screens one to two times a month. Ms. Holloway stated that all of her screens have been negative. Ms. Holloway attends Alcoholics Anonymous two to three times a week, but does not currently have a sponsor.

8. Ms. Holloway stated that she receives methadone (C-II), and needs three to six more months to taper down.

9. Ms. Holloway is currently employed with Three Stop Collections, Richmond, Virginia, collecting on delinquent Comcast Cable customer accounts.

#### **CONCLUSIONS OF LAW**

Finding of Fact No. 1 constitutes a violation of Term No 1 of the Board's Order entered November 23, 2010.

**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Melissa Holloway, L.P.N., is hereby REPRIMANDED.
2. Ms. Holloway shall be placed on INDEFINITE PROBATION for not less than two years of actual nursing practice subject to the following terms and conditions:
  - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Holloway has completed two years of active employment as a licensed practical nurse. The license of Ms. Holloway shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400.9 et seq. of the Code.
  - b. Ms. Holloway shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Holloway shall provide the name and address of each employer to the Board.
  - c. Ms. Holloway shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Holloway is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
  - d. Performance Evaluations shall be provided, at the direction of Ms. Holloway, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the

Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

e. Ms. Holloway shall practice nursing only in a structured /supervised employment setting satisfactory to the Board for the first two years after being placed on probation. This employment setting shall provide on-site supervision by a physician /professional nurse /licensed practical nurse, who works the same shift, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Holloway shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

f. Ms. Holloway shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

g. Ms. Holloway shall be required to have two supervised, unannounced random drug screens a month, from a Board approved testing entity, which include testing for alcohol and the following drugs of choice: Percocet, opiates, and benzodiazepines. Ms. Holloway shall ensure that the first set of results are received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends July 2014. The Board shall be notified immediately in writing of any positive results or if Ms. Holloway refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to

be sent to the Board immediately.

h. Ms. Holloway shall attend Narcotics Anonymous, Caduceus recovery support groups or other groups acceptable to the Board two times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board within Five days of each meeting. Ms. Holloway must obtain a sponsor within 60 days of entry of this Order.

i. Ms. Holloway shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

j. Ms. Holloway shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

k. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Holloway and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

l. This Order is applicable to Ms. Holloway's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Holloway shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Holloway wishes to work. Any requests for out of state employment should


be directed, in writing, to the Executive Director of the Board.

m. Ms. Holloway shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 54.1-2400.2 of the Code, 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 Section 54.1-2400(10) of the Code, Ms. Holloway may, not later than 5:00 p.m., on November 6, 2012, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

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

ENTERED: October 4<sup>TH</sup> 2012

This Order shall become final on November 6, 2012, unless a request for a formal administrative hearing is received as described above.