

BEFORE THE BOARD OF NURSING

IN RE:

MELISSA E. HOLLOWAY, L.P.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Melissa E. Holloway, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Holloway's license to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Melissa E. Holloway, L.P.N., was issued License No. 0002-068344 to practice practical nursing by the Virginia Board of Nursing on April 1, 2004. On December 17, 2009, Ms. Holloway was issued a single-state license, valid in Virginia only. Said license is set to expire on September 30, 2011. Ms. Holloway was issued Certificate No. 1401-062345 to practice as a nurse aide, which expired on November 30, 1998. Her primary state of residence is Virginia.

2. On August 20, 2009, the Department of Health Professions received a complaint alleging that Ms. Holloway may have violated certain laws and regulations governing the practice of nursing in Virginia. This complaint was based upon narcotic discrepancies at Bon Secours Memorial Regional Medical Center. On September 10, 2009, Ms. Holloway entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"), pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and on December 14, 2009, the HPMP granted Ms. Holloway a stay of disciplinary action regarding said complaint, with the expectation that Ms. Holloway would comply with the terms of her contract.

The HPMP Committee met on April 1, 2010, and heard a report that Ms. Holloway was not in compliance with the terms of her contract and voted to vacate the stay of disciplinary action for continued use of controlled substances as indicated below.

3. On February 18, 2010, Ms. Holloway tested positive for tramadol (Schedule VI), which was not approved for use by the HPMP. Ms. Holloway initially denied use of the medication and later reported obtaining a prescription for it in January, 2010. On March 9, 2010, a prescription monitoring report indicated that from November 9, 2009, to January 26, 2010, Ms. Holloway obtained five prescriptions for propoxyphene (Schedule IV) and hydrocodone (Schedule III), for which she did not submit physician reports or place on her monthly participant progress reports. Ms. Holloway admitted to relapsing after re-injuring her back and obtaining the above prescriptions.

4. On March 24, 2010, Ms. Holloway returned to the intensive outpatient treatment program at Henrico Area Mental and Retardation Services. Ms. Holloway also entered the methadone (Schedule II) treatment program at the Family Counseling Center for Recovery. As of June 29, 2010, Ms. Holloway was in compliance with the terms of her Recovery Monitoring Contract.

5. During the course of her employment with Bon Secours Memorial Regional Medical Center, Mechanicsville, Virginia, from March, 2009, to August 13, 2009, Ms. Holloway diverted Percocet (oxycodone, Schedule II) and hydrocodone for her personal and unauthorized use and occasionally ingested the medications while on duty. Ms. Holloway accomplished the diversion by pulling patient medications earlier than ordered, falsifying administration on medication administration records and/or nurses notes, falsely documenting that a patient dropped the medication, and by signing out medications for patients who were not in pain and keeping the medications. On August 13, 2009, Ms. Holloway's employment was suspended and on August 17, 2009, she submitted her resignation.

CONCLUSIONS OF LAW

1. Finding of Fact Nos. 2, 3 and 4 constitute a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

CONSENT

Melissa E. Holloway, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION against Melissa E. Holloway, L.P.N., contingent upon her continued compliance with a Recovery Monitoring Contract with the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Melissa E. Holloway, L.P.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Holloway shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Holloway is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

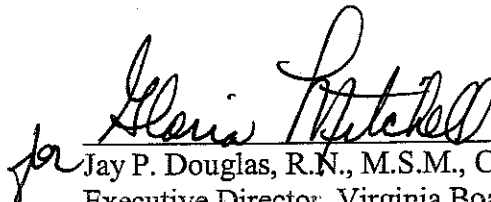
c. Ms. Holloway has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Holloway's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

3. 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 she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. 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 §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

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

ENTERED: November 23, 2010

Certified True Copy

By Jamara Jarmer
Virginia Board of Nursing

SEEN AND AGREED TO:

Melissa E. Holloway LPN
Melissa E. Holloway, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Westfield, TO WIT:

Subscribed and sworn to before me, Melissa Holloway, a Notary Public, this 22 day of October, 2010.

My commission expires 4-30-2011.

Registration Number 7099038.

[Signature]
NOTARY PUBLIC

