

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**MELONY BLAKE, R.N.**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on August 25, 2010, in Henrico County, Virginia, to inquire into evidence that Melony Blake, R.N., may have violated certain laws and regulations governing professional practice in Virginia. Ms. Blake was present and was not represented by counsel. Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Melony Blake, R.N., was issued License No. 0001-206881 to practice professional nursing in the Commonwealth of Virginia on June 6, 2007. Said license expires on September 30, 2011. Ms. Blake was licensed to practice professional nursing in New York on September 7, 2005. Her status with the New York Board of Nursing is listed as “not registered.” Her primary state of residence is Virginia.
2. By letter dated August 4, 2010, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Blake notifying her that an informal conference would be held on August 25, 2010. The Notice was sent by certified and first class mail to 5131 Richard Road, Virginia Beach, Virginia 23462, the address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board. The Notice sent by first class mail was not returned to the Board.
3. During the course of Ms. Blake’s employment with Sentara Obici Hospital, Suffolk, Virginia, from January, 2010, to April, 2010, she diverted Dilaudid (hydromorphone, Schedule II) two to three times a

week for her personal and unauthorized use. By her own admission, and as further evidenced by a Sentara Obici Hospital audit, Ms. Blake accomplished the diversion by doing the following:

- a. Ms. Blake withdrew Dilaudid from Pyxis for patients who did not have an order for the medication. She administered to the patient .5 mg of the medication, and diverted .5 mg for herself.
- b. Ms. Blake used a coworker's password for Pyxis to withdraw Dilaudid on days the coworker was not working. After the withdrawals, Ms. Blake also documented herself as the witness for the wasting of the medication.
- c. Ms. Blake wrote on patient records orders for Dilaudid, when the patients already had orders signed by a physician.
- d. Ms. Blake withdrew Dilaudid from Pyxis for patients who had been discharged or shortly before they were discharged.
- e. Ms. Blake withdrew Dilaudid from Pyxis and failed to document administering or wasting the medication.

5. Ms. Blake is currently on a medical leave of absence from Sentara Obici Hospital, which began on April 21, 2010.

6. At the informal conference, Ms. Blake reported her date of sobriety as April 17, 2010. Ms. Blake also submitted a copy of her Participation Contract signed May 5, 2010, and her Recovery Monitoring Contract signed August 1, 2010, with the Health Practitioners' Monitoring Program ("HPMP"). A Compliance Report from the HPMP dated August 24, 2010, indicated that Ms. Blake was in compliance with the program. Furthermore, Ms. Blake submitted documentation substantiating that she has been attending Alcoholics Anonymous and therapy. Ms. Blake stated that she valued HPMP.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(2)(c) and (e) of the Regulations Governing the Practice of Nursing.
2. Based on the above Findings of Fact, the Committee concludes that Melony Blake, R.N., is properly enrolled in the HPMP.

### ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

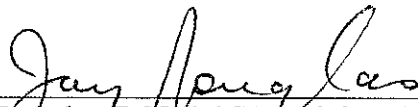
1. The Committee shall TAKE NO ACTION at this time, contingent upon Ms. Blake's continued compliance with all terms and conditions of the HPMP for the period specified by the HPMP.
2. This order shall be applicable to Ms. Blake's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Blake shall not work outside 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. Blake wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Blake, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Blake shall be noticed to appear before the Board at such time as the Board is notified that:
  - a. Ms. Blake 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 Ms. Blake involving a violation of law or regulation or any term or condition of this Order; or

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

4. Ms. Blake shall maintain a course of conduct in her capacity as a professional 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 on request.

FOR THE COMMITTEE

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

**Certified True Copy**

By   
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**Virginia Board of Nursing**

ENTERED:

September 29<sup>th</sup>, 2010

**NOTICE OF RIGHT TO FORMAL HEARING**

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.