

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MELANIE HOPE LEONHART JONES, R.N.

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 18, 2008, in Henrico County, Virginia, to inquire into evidence that Melanie Hope Leonhart Jones, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Leonhart Jones was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Melanie Hope Leonhart Jones, R.N., was issued License No. 0001-178815 to practice professional nursing in the Commonwealth of Virginia on April 26, 2002. Said license expires on August 31, 2009.
2. Ms. Leonhart Jones stipulated that during the course of her employment with Bon Secours Memorial Regional Medical Center, Mechanicsville, Virginia, she diverted Dilaudid (hydromorphone, Schedule II), which she used to inject another individual for her complaints of back pain. Ms. Leonhart Jones later taught this individual how to self-inject said controlled substance.
3. Ms. Leonhart Jones stipulated that during the course of her employment with Gambro Healthcare and during the course of her employment with Bon Secours Memorial Regional Medical Center,

she used authorizations from facility personnel to order various medications, including Nubain (nalbuphine, Schedule VI) for her personal and unauthorized use. Ms. Leonhart Jones gave a portion of the Nubain to another individual, which Ms. Leonhart Jones either administered to her, or observed her self-administer.

4. Ms. Leonhart Jones stipulated that during the course of her employment with Gambro Healthcare, she diverted Phenergan (promethazine, Schedule VI) for her personal and unauthorized use.

5. Ms. Leonhart Jones stipulated that she obtained Nubain, absent any affiliation with an organization or employer, from an internet supplier for her personal and unauthorized use. Ms. Leonhart Jones gave a portion of the Nubain to another individual, which Ms. Leonhart Jones either administered to her, or observed her self-administer.

6. On March 31, 2007, Ms. Leonhart Jones entered into a Participation Contract with the Virginia Health Practitioners' Intervention Program ("HPIP"), 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 HPIP, in which she acknowledged abusing Nubain. On June 18, 2007, Ms. Leonhart Jones entered into a Recovery Monitoring Contract with the HPIP, wherein she acknowledged impairment due to the abuse of addicting drugs and from physical illness.

7. Ms. Leonhart Jones is currently complying with all requirements of her Recovery Monitoring Contract. She completed substance abuse treatment and upon entry of Recovery Monitoring Contract #4 on August 27, 2008, Ms. Leonhart Jones was authorized by the HPIP to return to employment in a nursing capacity, without access to controlled substances. Ms. Leonhart Jones testified that her sobriety date is March 27, 2007. Her sponsor testified that she meets with Ms. Leonhart Jones on a weekly basis and they attend Alcoholics Anonymous meetings together.

CONCLUSIONS OF LAW

The Board concludes that:

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

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-178815, issued to Melanie Hope Leonhart Jones, R.N., to practice professional nursing in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED.
2. The license shall be recorded as SUSPENDED.
3. Said suspension shall be STAYED contingent upon Ms. Leonhart Jones remaining compliant with the terms of a Recovery Monitoring Contract with the HPIP and the following terms and conditions:
 - a. Ms. Leonhart Jones shall comply with all terms and conditions for the period specified by the HPIP.
 - b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Melanie Hope Leonhart Jones, R.N., and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite

suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Leonhart Jones is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.


4. Upon receipt of evidence of Ms. Leonhart Jones' participation in and successful completion of the terms specified by the HPIP, the Board, at its discretion, may waive her appearance at an informal conference, and conduct an administrative review of this matter.

5. This Order shall be applicable to Ms. Leonhart Jones' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Leonhart Jones may 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.

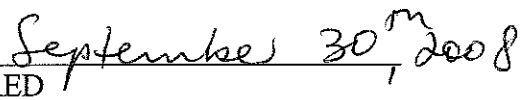
6. Ms. Leonhart Jones shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of Nursing.

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 BOARD



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




ENTERED

NOTICE OF RIGHT TO APPEAL

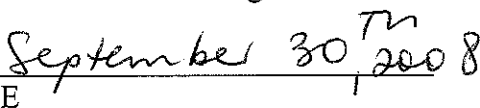
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to Melanie Hope Leonhart Jones, R.N., at 5400 Elsom Mascot Road, Mascot, Virginia 23108.



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



DATE