

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**MICHELLE LEE RYAN, 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 July 22, 2010, in Henrico County, Virginia, to inquire into evidence that Michelle Lee Ryan, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Ryan was present and was represented by A. James Kauffman, Esquire. 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. Michelle Lee Ryan, R.N., was issued License No. 0001-170296 to practice as a professional nurse in the Commonwealth of Virginia on August 3, 2000. Said certificate is scheduled to expire on April 30, 2011.
2. During the course of her employment with Carilion Roanoke Memorial Hospital, Roanoke, Virginia, Ms. Ryan, following Patient A's discharge on January 26, 2010, entered into a nontherapeutic nurse-patient personal relationship with Patient A, who had attempted suicide on thirteen occasions during the preceding 12 months. This relationship was evidenced by Patient A asking for and Ms. Ryan, by her own admission, permitting a shared housing arrangement, which resulted in a subsequent sexual relationship.
3. On December 30, 2009, Patient A's social worker met with Ms. Ryan and advised her that Ms. Ryan's level of special personal attention with Patient A was inappropriate and could adversely affect

Patient A's psychiatric treatment for borderline personality traits by reinforcing negative behaviors. Patient A's social worker testified that she discussed her concerns about Ms. Ryan's relationship with Patient A with her supervisor. The Nursing Director for the Department of Psychiatry and Behavioral Medicine testified that she counseled Ms. Ryan regarding her concerns about her relationship and boundary violations with Patient A, which were in violation of the hospital's Professional Conduct policy regarding personal interactions with psychiatric patients.

4. Ms. Ryan's employment with Carilion Roanoke Memorial Hospital was terminated on January 14, 2010.

5. By Ms. Ryan's own admission, Patient A moved in with Ms. Ryan on January 28, 2010, two days after her discharge from psychiatric hospitalization on January 26, 2010, and they were involved in a sexual relationship. Ms. Ryan testified that she did not believe that engaging in an intimate relationship with a former patient was improper because she was no longer a Carilion employee.

6. In a January 18, 2010, Application for Employment with the Commonwealth of Virginia, Ms. Ryan failed to disclose that her employment with Carilion Roanoke Memorial Hospital had been terminated. Ms. Ryan is currently employed in a psychiatric nursing setting.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Findings of Fact Nos. 2-5 constitute a violation of 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(1) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

**ORDER**

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

1. Michelle Lee Ryan, R.N. is hereby REPRIMANDED.
2. Ms. Ryan is hereby placed on INDEFINITE PROBATION for not less than 12 months of actual nursing employment subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. After 12 months of active employment as a professional nurse, Ms. Ryan may request that the Board end this probation.

b. Ms. Ryan 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. Ryan shall provide the name and address of each employer to the Board.

c. Ms. Ryan 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. Ryan 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. Ryan, 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. Ryan shall provide evidence that she has completed the following NCSBN online courses within 45 days of entry of the Order: *Ethics of Nursing Practice* and *Respecting Professional Boundaries*.

f. Ms. Ryan shall practice nursing only in a supervised employment setting satisfactory to the Board for the first 12 months after being placed on probation. This employment setting shall provide on-site supervision by a physician/professional nurse who holds an unrestricted license. For all current nursing employment and before beginning or changing nursing employment during this period, Ms. Ryan shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

g. Ms. Ryan 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.

h. Ms. Ryan shall return all copies of her license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order, along with a payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

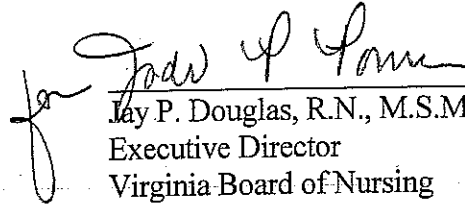
i. Ms. Ryan shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

j. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Ryan and an administrative proceeding shall be held to decide whether her license shall be revoked.

3. This Order shall be applicable to Ms. Ryan's 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. Ryan 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.

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

August 11, 2010  
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, Henrico, 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.