

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MICHELLE L. RYAN, R.N.
License No.: 0001-170296

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 April 4, 2016, in Henrico County, Virginia, to inquire into evidence that Ms. Ryan may have violated certain laws and regulations governing professional practice in Virginia. Ms. Ryan 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. Michelle L. Ryan, R.N. was issued License No. 0001-170296 to practice professional nursing in the Commonwealth of Virginia on August 3, 2000. Said license expires on April 30, 2017. Ms. Ryan’s primary state of residence is Virginia. By Order of the Board entered August 11, 2010, Ms. Ryan was reprimanded and placed on probation for having an inappropriate relationship with a psychiatric patient. Ms. Ryan petitioned the Board for a modification to her probation terms, which was denied by Order of the Board entered January 12, 2012. Ms. Ryan was released from probation by Order of the Board entered January 11, 2013. By Order of the Board entered April 27, 2015, Ms. Ryan was reprimanded for handling a psychiatric patient roughly.

2. By letter dated March 7, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Ryan notifying her that an informal conference would be held on April 4, 2016. The Notice

was sent by certified and first class mail to 1248 Pechin Avenue, SE, Roanoke Virginia 24013, the address of record on file with the Board of Nursing.

3. During the course of her employment with Avante at Roanoke, Roanoke, Virginia (“Avante”):

a. On July 7, 2015, Ms. Ryan falsified the count of narcotic cards from “37” to “36” on the narcotic count sheet. At the informal conference, Ms. Ryan stated that she believed she was correcting the count, but she did not re-count the narcotic cards or verify the count with another staff member. Avante did not discover that the count was wrong or that one narcotic card was missing until two days later, after several other staff members had had access to the medication cart.

b. On July 9, 2015, two vials of Haldol (haloperidol) were found in Ms. Ryan’s locker. Shortly beforehand, a third vial of Haldol had been discovered in the personal locker of a C.N.A. located directly below Ms. Ryan’s locker. In a written statement to the Board dated October 3, 2015, Ms. Ryan wrote that she had put the three vials in her locker after an L.P.N. previously employed with Avante gave them to Ms. Ryan to use in case any of the residents “got out of hand.”

4. As a result of these incidents, Ms. Ryan’s employment with Avante was terminated on July 17, 2015.

5. On her application for employment with Avante dated September 10, 2014, when asked if she had ever been fired, Ms. Ryan failed to disclose her termination from employment with Carilion Roanoke Memorial Hospital, Roanoke, Virginia, on January 14, 2010 for relationship and boundary violations with a psychiatric patient.

6. Ms. Ryan has been employed with Mount Regis Rehabilitation Center (“Mount Regis”) since August 2015. Upon hire, Ms. Ryan told Mount Regis about the termination of her employment from Avante

and about a pending matter before the Board. Ms. Ryan submitted a letter of support to the Board from her supervisor at Mount Regis.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations.
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

ORDER

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

1. Michelle L. Ryan, R.N. is hereby REPRIMANDED.
2. Ms. Ryan shall be placed on PROBATION for a period of one year of actual nursing practice and 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. Ryan has completed one year of active practice in employment as a professional nurse. The license shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding 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 Practice Act, § 2.2-4000 *et seq.* and § 54.1-2400.9 *et seq.* of the Code.
 - b. Performance evaluations shall be provided to the Board, at the direction of Ms. Ryan, by all practice employer(s), using the forms provided by Compliance and available on the Board’s website.

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

d. Ms. Ryan shall provide evidence within 90 days of entry of the Order that she has completed the following NCSBN online courses: *Disciplinary Actions: What Every Nurse Should Know*; *Documentation: A Critical Aspect of Client Care*; *Professional Accountability and Legal Liability for Nurses*; *Righting a Wrong: Ethics and Professionalism in Nursing*.

e. 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 payment of a duplicate license fee as specified in the regulations governing nursing. Upon receipt, the Board shall issue a replacement professional nurse license marked "Valid in Virginia Only; Probation with Terms."

f. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) 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. Many of the required report forms are available on the Board's website for your convenience.

g. Ms. Ryan shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Ryan shall provide a contact name, address, and phone number for each practice employer to the Board.

h. Ms. Ryan shall inform all current and future practice employers that the Board has placed her on probation, and Ms. Ryan shall provide each practice 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.

i. Ms. Ryan 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, Compliance, and any treatment providers, court-appointed probation or parole officers, and/or any consultants designated by the Board, if applicable.

j. Ms. Ryan shall submit "self-reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-reports must be submitted whether Ms. Ryan has current practice employment or not.

k. 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.

l. 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. Ryan, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

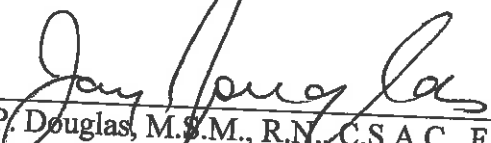
m. This Order is applicable to Ms. Ryan's multistate nursing licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Ryan shall not practice outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the express written permission of both 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.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Ryan may, not later than 5:00 p.m., on May 16, 2016, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that 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 COMMITTEE:



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

ENTERED: April 13th, 2016

This Order shall become final on May 16, 2016; unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By D. Fowler
Virginia Board of Nursing