

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MALANA A. HOPE, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-079025

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 March 24, 2016, in Henrico County, Virginia, to receive and act upon Ms. Hope's application for reinstatement of her license to practice practical nursing in Virginia, which was mandatorily suspended by Order of the Director of the Department of Health Professions entered on March 4, 2015, and to inquire into evidence that Ms. Hope may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Amy E. Weiss Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Hope 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. Malana A. Hope, L.P.N. was issued License Number 0002-079025 to practice practical nursing in the Commonwealth of Virginia on September 9, 2008. Said license was mandatorily suspended by Order of the Director of the Department of Health Professions on March 4, 2015. Ms. Hope's primary state of residence is Virginia.
2. Ms. Hope submitted an application for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia, which was received by the Board on September 11, 2015. Ms. Hope submitted a supplement to her application with completed answers to questions, which was received by the

Board on October 6, 2015.

3. On August 18, 2014, in the Circuit Court of the County of Chesterfield, Virginia, Ms. Hope pleaded guilty to and was convicted of one count of felony possession of marijuana with intent to distribute and one count possession of a firearm while in possession of drugs.

4. On her application for reinstatement of her license to practice practical nursing:

a. Ms. Hope answered “yes” to a question asking if her license was in good standing. In fact, Ms. Hope’s license had been mandatorily suspended on March 4, 2015.

b. Ms. Hope answered “no” to a question asking if she had a mental, physical, or chemical dependency condition which could interfere with her ability to practice nursing. In fact, Ms. Hope has diagnoses of bipolar disorder NOS, alcohol and cannabis abuse in remission, and rule out ADHD.

5. On her sworn disclosure statement as part of her application for employment with Senior’s First Choice, Mechanicsville, Virginia, dated February 18, 2014, Ms. Hope answered “no” to questions asking if she was subject to pending charges for a list of offenses including “any felony violation relating to possession or distribution of drugs” or subject to any felony charges, when, in fact, Ms. Hope had been arrested and charged with one count of felony possession of marijuana with intent to distribute and one count of felony possession of a firearm while in possession of drugs on January 8, 2014.

6. Ms. Hope has a history of mental illness and chemical dependency, as evidenced by the following:

a. Ms. Hope received psychiatric treatment at Village Family Psychiatry, Richmond, Virginia, from on December 1, 2014 through July 16, 2015, where she was diagnosed with bipolar disorder NOS, alcohol and cannabis abuse in remission, and rule out ADHD.

b. Ms. Hope was hospitalized for psychiatric treatment at Tucker Pavilion at CJW, Richmond, Virginia in 1998 following a suicide attempt and in 2004 for bipolar disorder.

c. Ms. Hope has a history of impulse control and anger issues and has been seen by

multiple physicians and tried various medications over the years. On November 5, 2015, Ms. Hope told an investigator for the Department of Health Professions (“DHP”) that she was not currently seeing any providers for psychiatric treatment or taking any medications.

7. Ms. Hope enrolled in the Health Practitioner’s Monitoring Program (“HPMP”) on December 15, 2015. Ms. Hope told her case manager that she wished to resign from the program during her orientation on February 29, 2016. The HPMP Monitoring Committee accepted Ms. Hope’s resignation on March 4, 2016. Ms. Hope testified that she does not believe she has an alcohol or drug problem.

8. Ms. Hope told the DHP investigator that she disagrees with her diagnosis of bipolar disorder and that everybody has ups and downs and happy times and sad times. Ms. Hope told the Board that she is receiving disability payments. Ms. Hope first stated that she is unaware of why she receives her disability payments, but then stated that she believed it is because of her bipolar diagnosis.

9. The evidence revealed that Ms. Hope had a violent anger outburst as recently as July 2015.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Findings of Fact Nos. 4(a) and 4(b) constitute a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing (“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.
4. Findings of Fact Nos. 6(a) through 76(c) constitute a violation of § 54.1-3007(6) of the Code.
5. Ms. Hope has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

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

follows:

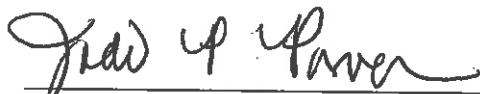
1. The application of Malana A. Hope, L.P.N. for reinstatement of License No. 0002-079025 to practice practical nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Ms. Hope be CONTINUED on INDEFINITE SUSPENSION for a period of not less than one year. At such time as she shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

2. The license shall be recorded as suspended.

3. This Order shall be applicable to Ms. Hope's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia.

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, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

April 12, 2016
ENTERED

Certified True Copy

By drahan
Virginia Board Of Nursing

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, MSM, RN, CSAC, FRE, 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.