

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MELISSA A. BOWMAN, R.M.A.
Registration No.: 0031-006674**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on February 4, 2016, in Henrico County, Virginia. Melissa A. Bowman, R.M.A., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 23, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Bowman was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Melissa A. Bowman, R.M.A., was issued Registration No. 0031-006674 to practice as a medication aide in Virginia on April 24, 2013. The registration expired on October 31, 2015.
2. By letter dated January 14, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Bowman notifying her that an informal conference would be held on February 4, 2016. The Notice was sent by certified and first class mail to 19012 Millard Drive, Bristol, Virginia 24202, the address of record on file with the Board of Nursing. The Notice was also sent to 10338 Goose Creek Road, Bristol, Virginia 24202, a secondary address. According to the United States Postal Service ("USPS"), the Notice sent by certified mail was not picked up by Ms. Bowman. The Notice sent by first class mail was returned to the Board office marked "Time to Forward Expired." The Notice sent by certified mail to the secondary address was accepted by Kathy Bowman on January 19, 2016. The Notice sent by first class mail was not returned to the Board office. The

Agency Subordinate concluded that adequate notice was provided to Ms. Bowman and the informal conference proceeded in her absence.

3. On May 9, 2015, during the course of her employment with Carrington Place, Wytheville, Virginia, Ms. Bowman altered the narcotic count sheets and diverted narcotic medications for her own personal and unauthorized use, as evidenced by the following:

a. Ms. Bowman signed out one Norco 10-325mg tablet (acetaminophen/hydrocone, C-II) at 2100 on the Medication Administration Record (“MAR”) for Resident A, but failed to document administration of the medication. Resident A reported to the facility staff that she did not receive her pain medication during Ms. Bowman’s shift.

b. Ms. Bowman signed out one oxycodone 5mg tablet (C-II) at 2000 on the MAR, for Resident B. She then altered the Controlled Medication Record (“CMR”) by changing the original count of 46 remaining tablets to 45 tablets; Ms. Bowman then altered the 45 remaining tablets to 43 after documenting removing a tablet at 1900. Resident B reported to staff that she did not receive any pain medications during Ms. Bowman’s shift.

c. Ms. Bowman signed out one Ativan 0.5mg tablet (lorazepam, C-IV) on the MAR for Resident C, but failed to document the time she administered the medication and the resident’s response to the medication on the resident’s medication notes.

d. Ms. Bowman signed out one Norco tablet each at 1520 and 2120 for Resident D. On the CMR she altered the entry date of May 8, 2015, with 29 tablets remaining to May 9, 2015, with 28 tablets remaining. Further, Ms. Bowman failed to document administration of the medication in the resident’s medication notes.

e. Ms. Bowman signed out one phenobarbital 60mg tablet (C-IV) for Resident E, but failed to document the administration of the medication in her medication notes.

4. On May 9, 2015, Ms. Bowman tested positive for opiates while on duty. On May 10, 2015, she tested positive for hydrocodone and hydromorphone, for which she did not have a valid prescription.

5. On May 18, 2015, Ms. Bowman's employment with Carrington Place was terminated.

6. On January 4, 2016, Ms. Bowman pled guilty two counts of obtaining drugs by fraud, first offense and one count of obtaining prescriptions by fraud in the Wythe County, Virginia, Circuit Court as a result of the diversion from Carrington Place. Ms. Bowman received deferred disposition until January 4, 2017, in the matter.

7. Between November 22, 2014 and July 16, 2015, Ms. Bowman received 147 hydrocodone/acetaminophen 325mg tablets from nine different physicians, using six different addresses to pick up the medications from five different pharmacies.

8. Ms. Bowman did not respond to requests for an interview with the investigator for the Department of Health Professions.

9. Ms. Bowman has not made contact with the Health Practitioners' Monitoring Program.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) through 3(e) and 4 constitute a violation of § 54.1-3007(2), (5), (6), and (8) of the Code, 18 VAC 90-60-120(2)(b), (c), (l) and (m) and 18 VAC 90-60-110(A)(1) and (2) of the Regulations Governing the Registration of Medication.

2. Findings of Fact Nos. 4 and 7 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The right to renew Registration No. 0031-006674 of Melissa A. Bowman to practice as a medication aide is INDEFINITELY SUSPENDED.

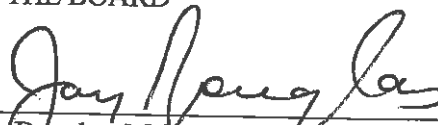
2. The registration will be recorded as suspended and no longer current.

3. At such time as Ms. Bowman shall petition the Board for reinstatement of her registration, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a medication aide. Ms. Bowman shall be responsible for any fees that may be required for the reinstatement and renewal of the registration prior to issuance of the registration to resume practice.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Bowman failed to appear at the informal conference, this Order shall be considered final. Ms. Bowman has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Bowman has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD



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

Entered: March 29th, 2016

Certified True Copy

By 
Virginia Board Of Nursing