

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       MICHELLE S. STEARNES, R.N.**  
**License No.: 0001-196872**

**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 February 17, 2016 in Henrico County, Virginia, to inquire into evidence that Ms. Stearnes may have violated certain laws governing professional nursing practice in Virginia. Ms. Stearnes 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 S. Stearnes, R.N. was issued License No. 0001-196872 to practice professional nursing in the Commonwealth of Virginia on July 12, 2005. Said license expires on June 30, 2017. Ms. Stearnes’ primary state of residence is Virginia.
2. By letter dated January 21, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Stearnes notifying her that an informal conference would be held on February 17, 2016. The Notice was sent by certified and first class mail to 4668 Nutbush Road, Green Bay, Virginia 23942, the address of record on file with the Board of Nursing.
3. From July 29 through August 3, 2011, Ms. Stearnes received inpatient treatment at Poplar Springs Hospital, Petersburg, Virginia for depressive disorder, not otherwise specified and opiate dependence, withdrawal severe.

4. Notwithstanding Ms. Stearnes' diagnosis of opiate dependence and inpatient admission for detoxification, she has continued to receive prescriptions for narcotic medications for chronic pain, kidney stones, and severe stomach problems. From April 29, 2012 through October 2, 2015, Ms. Stearnes received approximately 32 prescriptions for narcotic medications from approximately 15 providers.

5. Ms. Stearnes resigned from her last nursing employment at Centra Southside Community Hospital, Farmville, Virginia in January 2015 because she could not commit to working the hours they required. She had worked there since August 2013. Ms. Stearnes' only disciplinary actions were related to absenteeism.

6. At the informal conference, Ms. Stearnes stated that she has had no other inpatient treatment for mental health or chemical dependency until she was admitted the week prior to the informal conference to Community Memorial Health Center, South Hill, Virginia, where she was treated for anxiety.

7. Ms. Stearnes stated that she has not received any narcotic medications since May 2015. She is only seeing her primary care provider, who manages her medications, and she does not wish to take further narcotic medications.

8. Ms. Stearnes stated that she is willing to participate in the Health Practitioners' Monitoring Program ("HPMP").

#### CONCLUSIONS OF LAW

Finding of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(6) of the Code.

#### ORDER

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

1. The Committee shall TAKE NO ACTION at this time, contingent upon Ms. Stearnes' compliance with the following terms and conditions:

a. Michelle S. Stearnes, R.N. shall enter into the HPMP, pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and shall have proof of entry into a Contract with the HPMP provided to the Board within 60 days of the date this Order is entered.

b. Thereafter, Ms. Stearnes shall comply with all conditions and terms of the HPMP for the period of time specified by the HPMP

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Michelle S. Stearnes, R.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Stearnes shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Stearnes has failed to make application to the HPMP;

b. Ms. Stearnes is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

c. There is a pending investigation or unresolved allegation against Ms. Stearnes involving a violation of law or regulation or any term or condition of this Order; or

d. Ms. Stearnes has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Stearnes' participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Stearnes' appearance before the Board and conduct an administrative review of this matter.

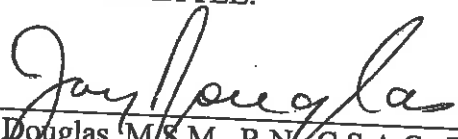
3. This order shall be applicable to Ms. Stearnes' multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Ms. Stearnes shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Stearnes wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

4. Ms. Stearnes 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 Board of Nursing Regulations.

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. Stearnes may, not later than 5:00 p.m., on March 29, 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:

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

ENTERED: February 25<sup>th</sup>, 2016

This Order shall become final on March 29, 2016; unless a request for a formal administrative hearing is received as described above.

Certified True Copy  
By D. Fowler  
Virginia Board of Nursing