



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

Virginia Board of Nursing  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
FAX (804) 527-4455

### NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

October 13, 2015

Melissa Everett, R.N.  
22439 Drewry Road  
Drewryville, Virginia 23844

**CERTIFIED MAIL**  
9414 7266 9904 2028 4909 81

RE: Virginia License No.: 0001-186521  
Expiration Date: February 29, 2016

Dear Ms. Everett:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **November 10, 2015 at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. During the course of your employment with Southampton Memorial Hospital, Franklin, Virginia:

a. You may have violated §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(a) and (f) of the Regulations Governing the Practice of Nursing in that:

i. On or about January 31, 2015, by your own admission, you ordered an abdominal x-ray for a pediatric patient without a physician's order.

ii. On or about August 20, 2012, you ordered and administered propofol bolus to a patient without a physician's order.

b. You may have violated §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that on or about October 17, 2014, you disregarded a physician's orders to anesthetize a patient's nasal passage and place a 16 French tube in the patient's right nostril. You placed an 18 French tube in the left nostril of the patient, which had not been anesthetized. In addition, you argued with the physician in front of the patient about the physician's orders and his treatment plan.

2. You may have violated §54.1-3007(6) of the Code in that you may be unsafe to practice nursing due to substance abuse and/or mental illness, as evidenced by the following:

a. On or about March 27, 2015, you tested positive for marijuana on a pre-employment urine drug screen with Chesapeake Regional Medical Center.

b. By your own admission, you used marijuana sporadically for several years and began to use marijuana regularly following your termination from Southampton Memorial Hospital on February 4, 2015. On or about April 21, 2015, you entered into a substance abuse recovery program with Phipps Family Services, Emporia, Virginia.

c. You have been diagnosed with major depressive disorder and anxiety disorder. Between or about October 2014 and November 2014, by your own admission, you remained out of work for approximately three weeks due to stress and anxiety related to your nursing employment at Southampton Memorial Hospital.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

**Board's Review of Agency Subordinate's Recommended Decision**

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by November 2, 2015. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on November 10, 2015. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on November 2, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after November 2, 2015 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact our office, at (804) 367-4502.

Sincerely,

A handwritten signature in black ink that reads "Gloria Mitchell-Lively". The signature is written in a cursive style with a large initial "G".

Gloria D. Mitchell-Lively, R.N., M.S.N., M.B.A.  
Deputy Executive Director

GML/sts

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division  
Wendy Deaner, Adjudication Specialist  
Meghan Wingate, Senior Investigator (Case Nos. 161742 and 163134)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager