

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MYKA RUDD, R.N.
License No.: 0001-251695

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 November 10, 2015 in Henrico County, Virginia. Ms. Rudd was present and was represented by Nathan Mortier, Esquire. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Rudd 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. Myka Rudd, R.N., was issued License No. 0001-251695 to practice professional nursing in Virginia on June 16, 2014. Said license is set to expire on February 28, 2017. Ms. Rudd's primary state of residence is Virginia. Ms. Rudd also holds a license to practice professional nursing in the State of Georgia. Said license is set to expire on January 31, 2017.

2. By letter dated June 20, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Rudd notifying her that an informal conference would be held on August 20, 2015. The Notice was sent by certified and first class mail to 2118 Floyd Street, Covington, Georgia, 30014, the address of record on file with the Board of Nursing. The Notice was also sent to 13253 Sinking Creek Road, Bristol, Virginia, 24202, a secondary address. The informal conference was continued at the

request of Ms. Rudd and her attorney. By letter dated October 13, 2015, the Board of Nursing sent an Amended Notice of Informal Conference to Ms. Rudd by certified mail and first class mail to her address of record and the secondary address, notifying her that an informal conference would be held on November 10, 2015.

3. On November 6, 2014, during the course of her employment with Mountain View Regional Medical Center, Norton, Virginia (“MVRMC”):

a. Ms. Rudd was observed by several co-workers behaving erratically during her shift. Her co-workers reported that her hands were shaking, her speech was slurred, she had difficulties with her job duties, and that she was unable to complete an admission and transfer as assigned.

b. Subsequent to Ms. Rudd’s erratic behavior, she refused to submit to a for-cause urine drug screen.

4. Ms. Rudd’s employment with MVRMC was terminated on November 6, 2014, due to her refusal to submit to a drug screen related to behaviors while providing patient care.

5. By her own admission, Ms. Rudd has a history of taking prescription pain medication on and off for a “long-time” and she could not stop taking the medication on her own because she “felt very bad.”

6. From June 2014 to September 2014, Ms. Rudd was prescribed Suboxone (buprenorphine, C-III) to help her stop taking prescription pain medications.

7. On March 9, 2015, Ms. Rudd began an intensive outpatient treatment program at Alliance Recovery Center, Conyers, Georgia, for opioid dependence. Ms. Rudd’s counselor provided verification that Ms. Rudd tapered off of all opioid medications as of October 20, 2015, and that she was no longer receiving medication-assisted treatment. Ms. Rudd currently attends individual counseling once a month and group counseling once a month and submits to random drug screens.

8. At the informal conference, Ms. Rudd denied that she was addicted to Lortab, but stated that she was dependent on the medication. Ms. Rudd stated that she began taking Lortab in 1996, and in 2005 decided that she wanted to stop taking the medication. In 2014, Ms. Rudd began taking Suboxone to help her quit. Ms. Rudd stated that prior to entering into treatment she took “a couple” of Lortab 5/500mg tablets a week.

9. Ms. Rudd is currently prescribed Lisinopril/HCTZ, Prozac, and Neurontin; however, Ms. Rudd stated that she does not take the Neurontin.

10. Ms. Rudd worked at Anchor Psychiatric Hospital from December 2014 until summer of 2015. She is currently employed with the Georgia Department of Corrections, Helms Medical Facility, Atlanta, Georgia.

CONCLUSIONS OF LAW

1. Findings of Fact No. 3(a) and (b) constitutes a violation of §54.1-3007(5) and (6) of the Code.
2. Findings of Fact Nos. 5 and 6 constitute a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION at this time, contingent upon Ms. Rudd’s compliance with the following terms and conditions:
 - a. Ms. Rudd shall enter into the Health Practitioners’ Monitoring Program (“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, or a similar program in the State of Georgia, and shall have proof of entry into a Contract with the HPMP, or a similar program in the State of Georgia, provided to the Board within 60 days of the date this Order is entered.

Recovery Monitoring Contract (“Contract”) with the HPMP, or a similar program in the State of Georgia, for the period specified in the Contract.

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

- a. Ms. Rudd has failed to make application to the HPMP, or a similar program in the State of Georgia;
- b. Ms. Rudd is not in compliance with the terms and conditions of the HPMP, or a similar program in the State of Georgia, or has been terminated from participation in the HPMP, or from a similar program in the State of Georgia;
- c. There is a pending investigation or unresolved allegation against Ms. Rudd involving a violation of law or regulation or any term or condition of this Order; or
- d. Ms. Rudd has successfully completed the above-referenced period of participation in the HPMP, or a similar program in the State of Georgia. However, upon receipt of Ms. Rudd’s participation in and compliance with the HPMP, or similar program, the Board, at its discretion, may waive Ms. Rudd’s appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Rudd’s multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Rudd shall not work outside of 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. Rudd wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive

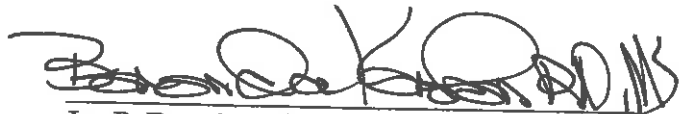
Director of the Board.

4. Ms. Rudd 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 § 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Rudd may, not later than 5:00 p.m., on March 21, 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 BOARD:



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

ENTERED: February 17, 2016

This Order shall become final on March 21, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing