

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**MELISSA D. EVICK, R.N.
License No.: 0001-153367**

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. Melissa D. Evick, R.N., 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 January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Evick 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 Evick, R.N., was issued License No. 0001-153367 to practice professional nursing in Virginia on June 2, 1997. The license is scheduled to expire on August 31, 2016. Ms. Evick's primary state of residence is Virginia.

2. By letter dated October 19, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Evick that an informal conference would be held on November 10, 2015. The Notice was sent by certified and first class mail to 113 Pennie Layne, Apt. C, Bridgewater, Virginia, 22812, the address of record on file with the Board of Nursing. The Notice was also sent to 1131 Rockingham Drive, Harrisonburg, Virginia, 22801, a secondary address. The receipt for the Notice sent

via certified mail to the address of record was signed by Ms. Evick and returned to the Board office on November 2, 2015. The Notice sent via first-class mail to the address of record was not returned to the Board office. The receipt for the Notice sent via certified mail to the secondary address was not returned to the Board office. The Notice sent via first-class mail to the secondary address was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Evick and the informal conference proceeded in her absence.

3. Ms. Evick was hospitalized at Rockingham Memorial Hospital in 2012 and again in 2014 for treatment of depression and post-traumatic stress disorder. She stated to the investigator for the Department of Health Professions that she had suicidal ideations during each of these admissions.

4. By her own admission, Ms. Evick began using Dilaudid (C-II) without a prescription in June 2014. Ms. Evick stated that she injected herself intravenously with the medication as many as four times a day, and she continued doing so until December 2014.

5. After her September 2014 hospitalization, Ms. Evick entered into counseling with the Harrisonburg-Rockingham Community Services Board. She received treatment until late November 2014, at which time she stopped attending appointments. The CSB referred Ms. Evick to a 21-to-28-day residential treatment program, but she refused to enter the program.

6. Ms. Evick was subsequently terminated as a patient from Community Services Board for failing to engage in recommended mental health treatment.

7. Ms. Evick stated to her counselor that she had stopped attending sessions at the CSB because things were better and she was not using drugs on a daily basis.

8. On July 2, 2015, Ms. Evick entered Boxwood Recovery Center, a residential substance abuse treatment center, and was scheduled to complete it on July 30, 2015. According to a letter from Boxwood dated July 21, 2015, Ms. Evick was actively involved in her treatment and continued to

show motivation for staying sober.

9. Ms. Evick's seven-month employment at King's Daughters Community Health and Rehabilitation Center, where she worked from September 2014 through April 2015, was terminated for her refusing to accept an assignment. In March 2012, Ms. Evick took leave from Augusta Health, where she had been employed since April 2001, to address her mental health issues.

10. Ms. Evick was not suspected of diversion or impairment at work. She stated to the investigator for the Department of Health Professions that she would like to return to nursing but not until she can handle the stress.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3, 4, 6, and 8 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER


WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-153367 of Melissa D. Evick, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded suspended and no longer current.
3. At such time as Ms. Evick shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Evick shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.

Since Ms. Evick failed to appear at the informal conference, this Order shall be considered final. Ms. Evick has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided

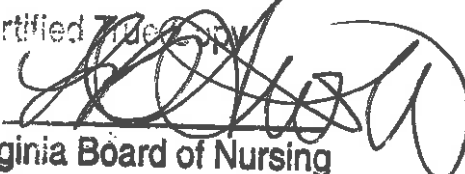
by Rule 2A:2 of the Supreme Court of Virginia, Ms. Evick has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., 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 (3) days are added to that period.

FOR THE BOARD



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

Entered: February 11th, 2016

Certified True Copy
By: 

Virginia Board of Nursing