

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ERICA R. ROWELL, C.N.A.
Certificate No.: 1401-162915**

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 December 10, 2015, in Henrico County, Virginia. Ms. Rowell was not present and was not represented by legal counsel. Nancy K. Durrett, R.N., M.S., 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. Rowell 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. Erica R. Rowell, C.N.A., was issued Certificate No. 1401-162915 to practice as a certified nurse aide in Virginia on September 18, 2013. The certificate expired on September 30, 2015.
2. By letter dated November 12, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Rowell notifying her that an informal conference would be held on December 10, 2015. The Notice was sent by certified and first class mail to 1320 Chapman Avenue, S.W., Apt. B, Roanoke, Virginia 24016, the address of record on file with the Board of Nursing. The certified mail was received by the Board office on November 30, 2015, labeled "return to sender; vacant; unable to forward." 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. Rowell and the informal conference proceeded in her absence.
3. Ms. Rowell has a history of substance abuse, as evidenced by the following:
 - a. Ms. Rowell was hired by Generation Solutions, Roanoke, Virginia, in March 2015. On

June 4, 2015, Ms. Rowell's employment was terminated because she refused to submit to a for-cause urine drug screen. Ms. Rowell informed her employer that she did not take the drug test because she knew that she would not pass.

b. On April 6, 2015, Ms. Rowell was admitted, at her own request, to Lewis Gale Center for Behavioral Health, Salem, Virginia, for detoxification. By her own admission, Ms. Rowell had been using alcohol and drugs, including heroin, cocaine, marijuana, prescription pain pills and crystal meth, and her drug screen was positive for cocaine, opiates and marijuana. On April 10, 2015, Ms. Rowell was discharged with a diagnosis of substance induced mood disorder, cannabis use disorder, cocaine use disorder, crystal meth use disorder and opiate use disorder.

c. By her own admission to hospital staff, Ms. Rowell previously received treatment at a methadone clinic from June 2013 to March 2015, but she was dismissed due to a positive urine drug screen, after which she relapsed.

d. On or about September 28, 2015, Ms. Rowell pled guilty to one count of felony possession of a controlled substance, schedule I/II, heroin, in the Roanoke City, Virginia, Circuit Court. She was given a one-year deferred disposition and the case is under advisement until October 5, 2016.

4. During the course of the investigation, Ms. Rowell failed to respond to multiple messages from a Virginia Department of Health Professions investigator.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Erica R. Rowell to renew Certificate No. 1401-162915 to practice as a nurse aide is INDEFINITELY SUSPENDED.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Rowell shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and

competent nurse aide practice. Ms. Rowell shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate 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. Rowell failed to appear at the informal conference, this Order shall be considered final. Ms. Rowell 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. Rowell has 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: February 9th, 2016

Certified True Copy

By 
Virginia Board Of Nursing