

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JENNIFER L. NELMS, C.N.A.
Certificate No.: 1401-069707**

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 12, 2015 in Henrico County, Virginia. Ms. Nelms was not present nor was she represented by legal counsel. Nancy 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. Nelms 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. Jennifer L. Nelms, C.N.A. was issued Certificate No. 1401-069707 to practice as a certified nurse aide in Virginia on November 8, 1997. The certificate is scheduled to expire on November 30, 2015.
2. By letter dated August 5, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Nelms notifying her that an informal conference would be held on September 24, 2015. The Notice was sent by certified and first class mail to 105 Berry Street, Apt. 9, Orange, Virginia, 22930, the address of record on file with the Board of Nursing. Due to a miscommunication, the informal conference was rescheduled. By letter dated October 1, 2015, Ms. Nelms was notified by certified and first class mail that the informal conference was rescheduled for November 12, 2015. The letter sent by certified mail was returned to the Board office, unclaimed; the first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Nelms and the informal conference proceeded in her absence.
3. While under treatment for chronic pain with Dr. Randy Merrick, M.D., Orange, Virginia, since

August 2012, Ms. Nelms violated her pain management contract on several occasions by not reporting for pill counts, refilling medications early, seeking controlled medication prescriptions from other physicians, and testing positive for controlled substances for which she did not have a prescription, marijuana, and alcohol on multiple occasions.

4. Ms. Nelms has a history of heavy use of controlled medications including benzodiazepines, opioids, and muscle relaxants, as evidenced by her Prescription Monitoring Program reports for the period of July 1, 2012 through April 23, 2015. Ms. Nelms had 187 prescriptions for benzodiazepines, opioids, and muscle relaxants from five prescribers, which she filled at ten pharmacies.

5. In 2012, Ms. Nelms received treatment from an addictionologist at the University of Virginia Addiction and Pain Clinic, Charlottesville, Virginia.

6. On April 28, 2014, during an interview with an investigator for the Virginia Department of Health Professions, Ms. Nelms stated that she “may have taken an extra pill or two” to deal with pain flare-ups and stress.

7. As of April 28, 2015, Ms. Nelms was employed as a private duty nurse aide assisting an elderly client.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3, 4, 5 and 6 constitute a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Certificate No. 1401-069707 of Jennifer L. Nelms, C.N.A., is INDEFINITELY SUSPENDED.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Nelms shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a certified nurse aide. Ms. Nelms 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. Nelms failed to appear at the informal conference, this Order shall be considered final. Ms. Nelms 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. Nelms 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, 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 (3) 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 8th, 2016

Certified True Copy

By 
Virginia Board Of Nursing