

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ROXANNA MARIE CALIX, C.N.A.
Certificate Number: 1401-126112
Case Number: 173942

RATIFICATION AND ORDER

On November 16, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Roxanna Marie Calix, C.N.A., was not present nor was she represented by legal counsel.


In consideration whereof, the Board of Nursing **ACCEPTS** the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and **ADOPTS** the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, 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 Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Calix's health records or health services.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Calix may, not later than 5:00 p.m., on **December 26, 2016**, notify Jay Douglas, MSM, RN, CSAC, FRE, 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




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

ENTERED AND MAILED ON:

November 23, 2016

This Order shall become final on December 26, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board Of Nursing

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IN RE: ROXANNA MARIE CALIX, C.N.A.
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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on October 4, 2016 in Henrico County, Virginia, to inquire into evidence that Roxanna Marie Calix, C.N.A., may have violated certain terms and conditions of the Order of the Board entered September 28, 2015.

Ms. Calix appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated August 30, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Calix notifying her that an informal conference would be held on October 4, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Recommended Findings of Fact and Conclusions of Law

1. Roxanna Marie Calix, C.N.A., was issued Certificate Number 1401-126112 to practice as a nurse aide on September 11, 2008, which is scheduled to expire on September 30, 2017. At all times relevant to the findings herein, said certificate was in full force and effect.

2. By Order of the Board entered September 28, 2015 (“Board’s Order”), Ms. Calix was placed on probation subject to certain terms and conditions based on findings that Ms. Calix has a history of substance abuse as evidenced by two misdemeanor DWI convictions in 2013 and 2014 and having been found sleeping while on duty on March 12, 2012, during the course of her employment with John Randolph Medical Center, Hopewell, Virginia.

3. Ms. Calix violated Term Number 1(b) of the Board’s Order, which required that, should she be prescribed any Schedule II-V controlled medications, she provide a written report to the Board within ten days of the date the drug is prescribed from the prescribing practitioner with whom she has a bona fide practitioner/patient relationship in that a Prescription Monitoring Program Report revealed that on October 5, 2015, Ms. Calix filled a prescription for oxycodone with acetaminophen (C-II) prescribed by her dentist. Ms. Calix failed to disclose the prescription on her December 2015 and March 2016 self-reports. On August 19, 2016, Ms. Calix submitted a prescription report for Percocet to the Board from her oral surgeon.

4. Ms. Calix violated Term Numbers 1(c) and 1(g) of the Board’s Order, which required her to have one supervised, unannounced random drug screen a month from a Board-approved testing entity, which includes testing for alcohol. The drug screen due on November 27, 2015 was not received by the Board. The drug screens for the months of March, April, May, and June were performed; however, the results were not released to the Board due to Ms. Calix’s failure to pay the fees.

5. Ms. Calix violated Term Numbers 1(e) and 1(g) of the Board’s Order, which required her to direct all practice employers to provide quarterly performance evaluations to the Board. Ms. Calix’s employer failed to provide the performance evaluation due November 27, 2015 to the Board. The quarterly performance evaluation due March 31, 2016 was submitted on February 5, 2016.

6. Ms. Calix violated Term Number 1(k) and 1(g) of the Board's Order, which required her to submit quarterly self-reports, in that she failed to submit self-reports due November 27, 2015 and June 30, 2016. The self-report due on March 31, 2016 was received by the Board on February 5, 2016. On August 19, 2016, Ms. Calix submitted to the Board a self-report for the period ending June 30, 2016.

7. On August 19, 2016, Ms. Calix also submitted to the Board recovery group attendance logs for the months of June and July 2016.

8. Ms. Calix stated at the informal conference that she considers March 21, 2014 her sobriety date for alcohol. She stated that she goes to Alcoholics Anonymous meetings twice a week.

9. Ms. Calix stated that she took one Percocet pill the day following her oral surgery in October, 2015. She stated she has not taken any narcotics since then.

10. Ms. Calix is currently employed at Colonial Heights Healthcare, Colonial Heights, Virginia, and they are aware of her appearance before the Board. She stated that her employer is satisfied with her performance at work.

11. Ms. Calix is in communication with her compliance manager to better organize her submissions.

12. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Calix's health records or health services.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Roxanna M. Calix, C.N.A. shall continue on INDEFINITE PROBATION subject to the following terms and conditions:

a. The period of probation shall continue indefinitely. After two years of active practice employment, Ms. Calix may request that the Board end this probation.

b. Ms. Calix shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/ patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

c. Ms. Calix shall be required to have one supervised, unannounced random drug screen a month from a Board-approved testing entity, which includes testing for alcohol.

d. Ms. Calix shall attend Alcoholics Anonymous or other groups acceptable to the Board twice per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board within ten days of each meeting.

e. Performance evaluations shall be provided to the Board, at the direction of Ms. Calix, by all practice employers, using the forms provided by Compliance and available on the Board's website.

f. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends. Many of the required report forms are available on the Board's website for your convenience.

g. Ms. Calix shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Calix shall provide a contact name, address, and phone number for each practice employer to the Board.

h. Ms. Calix shall inform all current and future practice employers that the Board has placed her on probation and Ms. Calix shall provide each practice employer with a complete copy of this Order. If Ms. Calix is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

i. Ms. Calix shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any consultants designated by the Board, if applicable.

j. Ms. Calix shall submit "Self Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Calix has employment or not.

2. Roxanna Marie Calix, C.N.A., shall comply with all laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

3. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of certified nurse aides shall constitute grounds for further disciplinary action.

4. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the certificate of Roxanna Marie Calix, C.N.A., and an administrative proceeding shall be held to determine whether to impose such action.

Reviewed and approved on October 20, 2016
By Nancy K. Durrett, R.N., M.S.
Agency Subordinate