

0001-178251

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: KELLIE WELLS, R.N.**

**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 March 10, 2009, in Henrico County, Virginia. Kellie Wells, R.N., was not present and was not represented by legal counsel. Janet B. Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 20, 2009, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Wells 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. Kellie Wells, R.N., was issued License No. 0001-178251 to practice professional nursing in Virginia on February 28, 2002. The license is current and will expire on July 31, 2010. Ms. Wells was also issued License No. 0002-052393 to practice practical nursing in Virginia on April 10, 1996. The license expired on July 31, 2002.

2. By letter dated February 13, 2009, the Board sent a Notice of Informal Conference ("Notice") to Ms. Wells notifying her that an Informal Conference would be held on March 10, 2009. The Notice was sent by certified and first class mail to 20160 Troublefield Drive, Stony Creek, Virginia 23882. The certified mail was delivered on February 17, 2009, and delivery confirmation was received by

the Board on February 19, 2009. The Agency Subordinate concluded that Ms. Wells received adequate notice and the informal conference proceeded in her absence.

3. On multiple occasions, between May 2007 and May 2008, by her own admission, Ms. Wells called in prescriptions for numerous prescription medications for her own personal and unauthorized use, including Yaz (drospirenone and ethinyl estradiol), Topamax (topiramate), atenolol, Amerge (naratriptan), and hydrocodone (schedule III), by using the name of a physician who never treated her and posing as a nurse from that physician's office. No criminal charges have been filed to date.

4. Ms. Wells also stated to the Department of Health Professions ("DHP") Investigator, during an interview in July 2008, that she called in the prescription medications to help with her severe headaches.

5. Ms. Wells also stated to the DHP investigator that she was working too many hours and was devoting any spare time she had to child care. As a result, Ms. Wells stated that she did not have time to schedule medical appointments to obtain legitimate prescriptions and refills.

6. Ms. Wells reported that she had been recently hired by Prison Health Services at Sussex II State Prison, Waverly, Virginia, and plans to work three days per week. She was also hired by Nurse Advantage, but had not accepted assignments yet.

7. Ms. Wells did not indicate on the employment application for either Prison Health Services or Nurse Advantage that she was under investigation by DHP because she was not aware of it at the time.

#### **CONCLUSIONS OF LAW**

Finding of Fact #3 constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-178251 of Kellie Wells, R.N., is INDEFINITELY SUSPENDED.
2. Ms. Wells' right to renew License No. 0002-052393 is INDEFINITELY SUSPENDED.
3. The licenses will be recorded as suspended and no longer current.
4. At such time as Ms. Wells shall petition the Board for reinstatement of her licenses, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of nursing. Ms. Wells shall be responsible for any fees that may be required for the reinstatement and renewal of the licenses prior to issuance of the licenses to resume practice.
5. This suspension applies to any multi-state privilege to practice professional or practical nursing.

Since Ms. Wells failed to appear at the informal conference, this Order shall be considered final. Ms. Wells 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. Wells 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, R.N., M.S.M., C.S.A.C., 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.

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.

FOR THE BOARD

*Jay Douglas*

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

Entered: June 5<sup>TH</sup>, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Kellie Wells, R.N., 20160 Troublefield Drive, Stony Creek, Virginia 23882.

*Jay Douglas*

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

June 5<sup>TH</sup>, 2009  
DATE