

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

KELLY A. DAVIS, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Kelly A. Davis, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Davis' license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kelly A. Davis, R.N., was issued License No. 0001-169104 to practice professional nursing by the Virginia Board of Nursing on July 13, 2000. Said license is set to expire on May 31, 2012. Her primary state of residence is Virginia.
2. Ms. Davis was hospitalized at Carilion New River Valley Medical Center, Radford, Virginia, from January 10, 2011, to January 14, 2011, with a diagnosis of dissociative disorder, not otherwise specified. She also had a previous hospitalization in June, 2004, for adjustment disorder with depression. Ms. Davis underwent a full psychiatric evaluation in January, 2011, and was discharged with a prescription antidepressant and referral for continuing treatment with a therapist.
3. Ms. Davis receives weekly individual therapy at The Counseling Center, Roanoke, Virginia, and is compliant with her medication regimen.
4. Ms. Davis entered into a Participation Contract with the Health Practitioners Monitoring Program ("HPMP") on May 30, 2011.
5. Ms. Davis was employed at Bedford Memorial Hospital from March 5, 2006, to January 12, 2011, when her employment was terminated for willful destruction of property. On January 19, 2011, Ms.

Davis was arrested for arson, a felony, and the case is currently pending before the Bedford County Circuit Court.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).

CONSENT

Kelly A. Davis, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She neither admits nor denies the Findings of Fact and Conclusions of Law contained herein but waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION against Kelly A. Davis, R.N., at this time contingent upon her entry into and compliance with a Recovery Monitoring Contract with the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Kelly A. Davis, R.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Davis shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Davis is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Davis involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Davis has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Davis' participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Davis' appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Davis' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Davis shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Davis shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

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

ENTERED: June 22nd, 2011

SEEN AND AGREED TO:

Kelly A. Davis, RN
Kelly A. Davis, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Bedford, TO WIT:

Subscribed and sworn to before me, Margie C. Angle, a Notary Public, this 9th day of June, 2011.

My commission expires June 30, 2011.
Registration Number 138015.

MARGIE C. ANGLE
NOTARY PUBLIC
City/County of Bedford
Commonwealth of Virginia
Reg. #138015
My Commission Expires June 30, 2011

Margie C. Angle
NOTARY PUBLIC

Certified True Copy
By denaham
Virginia Board of Nursing