

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

MICHELLE ADAMS, 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 October 17, 2008, in Henrico County, Virginia. Ms. Adams was present and was represented by Patrick J. Hurd, Esquire. Janet B. Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2009, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Adams was present and was not 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. Michelle Adams, R.N., was issued License No. 0001-169119 to practice professional nursing in Virginia on April 20, 2000. The license is set to expire on September 30, 2009.
2. By letter dated September 12, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Adams notifying her that an informal conference would be held on October 17, 2008. The Notice was sent by certified and first class mail to 2900 Pinehurst Road, Richmond, Virginia 23228, the address of record on file with the Board of Nursing. The Notice was also sent to 7824 Winding Ash Terrace, Chesterfield, Virginia 23832, a secondary address.
3. Between June, 2006, and January, 2008, Ms. Adams was unsafe to practice as a professional nurse due to her dependence on Ambien (zolpidem, schedule IV). Ms. Adams

acknowledged her dependence in an interview with an investigator from the Department of Health Professions on February 25, 2008.

4. At the informal conference, Ms. Adams stated that she had been under psychiatric care since 1997 for depression and that she had suffered from sleep problems since adolescence. When she worked nights, she took Ambien during the day to help her sleep. In 2006, she had a child and took time off from work. Ms. Adams stated that she became depressed and used too much Ambien. She stated that she obtained prescriptions for Ambien from several doctors.

5. Ms. Adams stated that she sought therapy for her depression in early 2008, and that she plans to continue with therapy. She also stated that she switched to a day-shift schedule to assist with her sleep issues. Ms. Adams continues to take Ambien, 10 mg. per day, along with Zoloft (sertraline, Schedule VI) both of which are prescribed by her primary care physician.

6. As of the date of the informal conference, Ms. Adams has been working in the Emergency Room at Henrico Doctor's Hospital, Richmond, Virginia, for about 18 months.

7. The Emergency Room Manager and Assistant Manager from Henrico Doctor's Hospital appeared at the informal conference. They each stated that Ms. Adams is an exemplary employee and that they have noticed no signs of impairment. They also stated that they supervise and audit Ms. Adams' narcotics administration and wastage, and have seen no irregularities.

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 Board shall IMPOSE NO SANCTION on Michelle Adams, R.N.
2. Ms. Adams 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.

This Order is subject to appeal to the Board. If Ms. Adams desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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 P. Douglas

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

Entered: February 13, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Michelle Adams at 2900 Pinehurst Road, Richmond, Virginia, 23228, and to Patrick J. Hurd, Esquire, LeClair Ryan, 999 Waterside Drive, Suite 2525, Norfolk, Virginia 23510.

Jay P. Douglas

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

February 13, 2009
DATE

Certified True Copy

By *Abraham*
Virginia Board of Nursing