

VIRGINIA:

BEFORE THE COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

IN RE: MARY ELLEN COTELLESE, L.N.P.
License No.: 0024-090106, 0017-000625

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a quorum of the Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") on June 10, 2015, in Henrico County, Virginia, to inquire into evidence that Mary Ellen Cotellese, L.N.P., may have violated certain laws and regulations governing nurse practitioner practice in Virginia and certain terms and conditions imposed on her, as set forth in the Consent Order of the Committee of the Joint Boards entered on September 12, 2012. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Committee of the Joint Boards. Ms. Cotellese was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Committee of the Joint Boards adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Mary Ellen Cotellese, L.N.P., was issued License No. 0024-090106 to practice as a nurse practitioner in the Commonwealth of Virginia on November 28, 1994, in the area of family practice. Ms. Cotellese was issued Prescriptive Authority No. 0017-000625 on December 15, 1994. Said license and prescriptive authority were suspended by Consent Order of the Committee of the Joint Boards entered on September 12, 2012, with said suspension stayed upon Ms. Cotellese's compliance with certain terms and conditions. By letter dated February 5, 2015, the stay was summarily rescinded.

2. By Consent Order of the Committee of the Joint Boards entered September 12, 2012, Ms. Cotellese's license to practice as a nurse practitioner and prescriptive authority were suspended with said suspension stayed contingent upon her compliance with the Health Practitioners' Monitoring Program ("HPMP"). The action was based upon findings that Ms. Cotellese was diagnosed with opiate dependence, Ambien dependence and depressive disorder, and had physical ailments that required treatment and medication.

3. On January 26, 2015, Ms. Cotellese was dismissed from the HPMP due to the following noncompliance issues:

- a. On September 4 and 11, 2014, Ms. Cotellese failed to call the drug screen test line.
- b. On September 11, 2014, Ms. Cotellese failed to submit a drug screen.
- c. On December 22, 2014, Ms. Cotellese did not attend a group meeting and failed to notify her therapist or case manager.
- d. On January 12, 2015, Ms. Cotellese resigned from the HPMP and stopped calling the test line.

4. Ms. Cotellese testified that she has been attending Alcoholics Anonymous ("AA") meetings since March 2015. Ms. Cotellese testified that she attends AA meetings three to four times per week. Ms. Cotellese presented no documentation of her attendance at these meetings.

5. Ms. Cotellese testified that she has been seeing a licensed counselor regularly, although not for addiction issues.

6. Ms. Cotellese testified that she resigned from the HPMP due to disagreements with the program. Ms. Cotellese testified that she felt issues in her life outside of her control were not considered by the HPMP. Ms. Cotellese also testified to dissatisfaction with the cost associated with participation in the HPMP.

7. Ms. Cotellese testified that she took Ambien in April 2015, pursuant to a prescription. She ceased taking Ambien shortly thereafter.

8. Ms. Cotellese reported a sobriety date of November 4, 2011, despite testifying that she took

Ambien in April 2015. When questioned, Ms. Cotellese stated that her sobriety date of November 4, 2011, was reported because that was the date she contacted the HPMP. When reminded of her Ambien use in 2015, Ms. Cotellese wanted to pick a "half sobriety date" somewhere between taking Ambien in April 2015 and the originally stated date of November 4, 2011. Ultimately, she decided she would continue to report a sobriety date of November 4, 2011.

CONCLUSIONS OF LAW

The Committee of the Joint Boards conclude that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code, 18 VAC 90-30-220(4) and (5) of the Regulations Governing the Licensure of Nurse Practitioners and Term No. 4 of the Consent Order entered on September 12, 2012.

ORDER

WHEREFORE, the Virginia Committee of the Joint Boards, effective upon entry of this Order, hereby ORDERS as follows:

1. Mary Ellen Cotellese, L.N.P., is hereby REPRIMANDED.
2. License No. 0024-090106 issued to Mary Ellen Cotellese, L.N.P., to practice as a nurse practitioner in the Commonwealth of Virginia is CONTINUED on INDEFINITE SUSPENSION.
3. The license of Ms. Cotellese will be recorded as SUSPENDED and no longer current. Should Ms. Cotellese seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.
4. At such time as Ms. Cotellese shall petition the Committee of the Joint Boards for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to safe and competent practice as a nurse practitioner.
5. This suspension shall be STAYED upon proof of Ms. Cotellese's re-entry into the HPMP. At such time, the indefinite suspension shall be stayed and the following terms and conditions shall apply:

a. Ms. Cotellese shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Mary Ellen Cotellese, L.N.P., and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Committee of the Joint Boards is notified that:

i. Ms. Cotellese is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

6. Upon receipt of evidence of Ms. Cotellese's participation in and successful completion of the terms specified by the HPMP, the Committee of the Joint Boards, at its discretion, may waive her appearance before the Committee of the Joint Boards, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. Ms. Cotellese shall provide the Committee of the Joint Boards with verification of professional re-certification in the area of her specialty practice and completion of the continuing education hours required for re-certification.

8. Ms. Cotellese shall maintain a course of conduct in her capacity as a nurse practitioner commensurate with the requirements of §§ 54.1-2957 and 54.1-3000 *et seq.* of the Code, the Regulations Governing the Licensure of Nurse Practitioners and the Regulations Governing the Practice of Nursing.

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 on request.

FOR THE COMMITTEE OF THE JOINT BOARDS

Gloria Mitchell-Lively
for Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

July 7, 2015
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy,
By *dgraham*
Virginia Board Of Nursing