

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MELANIE S. VAN DYKE, R.N.
License No.: 0001-211687**

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 panel of the Board of Nursing ("Board") on May 20, 2015, in Henrico County, Virginia, to inquire into evidence that Melanie S. Van Dyke, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Van Dyke was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Melanie S. Van Dyke, R.N., was issued License No. 0001-211687 to practice professional nursing in the Commonwealth of Virginia on May 7, 2008. Said license was summarily suspended by Order of the Board entered March 13, 2015. Ms. Van Dyke's primary state of residence is Virginia.
2. Based upon the representations of Cynthia E. Gaines, Adjudication Specialist, and Commonwealth's Exhibit No. 1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with CJW Medical Center, Richmond, Virginia, Ms. Van Dyke diverted narcotics including Dilaudid (C-II), morphine (C-II) and Percocet (C-II) for her own personal and unauthorized use. Further, on November 2, 2014, while on duty, Ms. Van Dyke injected herself

with morphine.

4. On December 4, 2014, Ms. Van Dyke's employment with CJW Chippenham Hospital was terminated.

5. Ms. Van Dyke admitted the facts contained in Finding of Fact No. 3 in an interview with the Department of Health Professions' investigator.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-211687 issued to Melanie S. Van Dyke, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

2. The license of Ms. Van Dyke will be recorded as SUSPENDED. Should Ms. Van Dyke 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.

3. At such time as Ms. Van Dyke shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of nursing.

4. This Order shall be applicable to Ms. Van Dyke's multistate licensure privileges, if any, to practice professional 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 BOARD

for *Clarie Mitchell Lundy*
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

June 26, 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