

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MALISSA M. ROGERS, L.P.N.
License No.: 0002-085484

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 February 24, 2016 in Henrico County, Virginia. was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 18, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Rogers 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. Malissa M. Rogers, L.P.N. was issued License No. 0002-085484 to practice practical nursing in Virginia on August 15, 2011. The license is scheduled to expire on June 30, 2016. Her primary state of residence is Virginia.

2. By letter dated January 21, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Rogers notifying her that an informal conference would be held on February 24, 2016. The Notice was sent by certified and first class mail to 3933 Krista Lane, Hayes, Virginia 23072, the address of record on file with the Board of Nursing. Both Notices were returned to the Board office

marked “return to sender/attempted not known/unable to forward.” The Agency Subordinate concluded that adequate notice was provided to Ms. Rogers and the informal conference proceeded in her absence.

3. By Order entered June 22, 2015, the Board required Ms. Rogers to complete two National Council of State Boards of Nursing (“NCSBN”) online courses, *Professional Accountability and Legal Liability for Nurses* and *Ethics of Nursing Practice*, and to provide verification of completion to the Board within 90 days of the Order. This Order was based on findings that, while employed for a home health agency, Ms. Rogers had failed to conduct scheduled patient visits, had rescheduled visits without a physician’s order and without notifying the physician, and had failed to document numerous other visits.

4. In a telephone conversation with the Compliance Case Manager for the Board on October 6, 2015, Ms. Rogers stated that she had been unable to locate the online courses on the NCSBN website. After the Compliance Case Manager helped her find the courses, Ms. Rogers stated that she would complete them.

5. Ms. Rogers has failed to provide verification to the Board that she has completed the required courses.

CONCLUSIONS OF LAW

Finding of Fact No. 5 constitutes a violation of Term No. 2 of the Board’s Order entered June 22, 2015.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-085484 of Malissa M. Rogers, L.P.N. is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Rogers provides verification that she has completed the NCSBN


online courses *Professional Accountability and Legal Liability for Nurses* and *Ethics of Nursing Practice*, the license shall be reinstated. Ms. Rogers shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice. Further, these course shall not be credited toward the continued competency requirements for the next renewal of the license.

4. This suspension applies to any multistate privilege to practice practical nursing.

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.

Since Ms. Rogers failed to appear at the informal conference, this Order shall be considered final. Ms. Rogers 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. Rogers has thirty (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, M.S.M., R.N., C.S.A.C., F.R.E., 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 (3) days are added to that period.

FOR THE BOARD


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

Entered: May 27, 2016

Certified True Copy

By 
Virginia Board of Nursing