

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on June 3, 2015, in Henrico County, Virginia, to inquire into evidence that Malissa M. Rogers, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. Ms. Rogers was not present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Malissa M. Rogers, L.P.N., was issued License No. 0002-085484 to practice practical nursing in the Commonwealth of Virginia on August 15, 2011. Said license expires on June 30, 2016. Her primary state of residence is Virginia.
2. By letter dated April 29, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Rogers notifying her that an informal conference would be held on June 3, 2015. 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. The Notice sent by certified mail was returned to the Board office marked “unclaimed.” The Notice sent by regular mail was not returned to the Board office. The Committee Chair concluded that adequate notice was provided to Ms. Rogers and the informal conference proceeded in her absence.

3. During the course of her employment with Riverside Home Health Care Services, Newport News, Virginia:

a. On June 8, 2014, Ms. Rogers left work approximately two and one-half hours prior to the end of her shift, without authorization, and failed to visit two home health patients that were assigned to her.

b. On June 8, 2014, by her own admission, Ms. Rogers rescheduled the two patients that she failed to visit without notifying the physician or obtaining a physician's order.

c. Between June 3 and June 8, 2014, Ms. Rogers failed to document approximately seven home health visits.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(a) of the Regulations.

3. Finding of Fact No. 3(c) constitutes a violation of § 54.1-3007(5) and (8) of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Malissa M. Rogers, L.P.N., is hereby REPRIMANDED.

2. Ms. Rogers shall provide the Board with verification that she has completed the following NCSBN online courses within 90 days of the date this Order is entered: "Professional Accountability and Legal Liability for Nurses" and "Ethics of Nursing".

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

4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Malissa M. Rogers, L.P.N., and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Rogers may, not later than 5:00 p.m., on July 25, 2015, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

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

ENTERED: *June 22, 2015*

This Order shall become final on July 25, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *[Signature]*
Virginia Board of Nursing