

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: MELINDA JO CHRISTIAN, C.N.A.  
Certificate No.: 1401-041835**

**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 April 21, 2015, in Henrico County, Virginia. Melinda Jo Christian, C.N.A., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 20, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Christian 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. Melinda Jo Christian, C.N.A., was issued Certificate No. 1401-041835 to practice as a nurse aide in Virginia on December 11, 1993. The certificate expired on December 31, 2014. She also holds a registration to practice as a medication aide in Virginia, which expired on April 30, 2015.

2. By letter dated March 25, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Christian notifying her that an informal conference would be held on April 21, 2015. The Notice was sent by certified and first class mail to 1366 Alleghany Spring Road, Shawsville, Virginia 24162, the address of record on file with the Board of Nursing. According to the United States Postal Service, On March 27, 2015, a notice was left advising Ms. Christian that she had

certified mail at the post office. The Notice was marked “unclaimed” on April 11, 2015, and returned to the post office in Sandston, Virginia, on April 19, 2015. As of April 21, 2015, the Notice sent by first class mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Christian and the informal conference proceeded in her absence.

3. On August 26, 2014, during the course of her employment with Emeritus at Ridgewood Gardens ALF (“Emeritus”), Salem, Virginia, Ms. Christian diverted Xanax (alprazolam, C-IV) and Ativan (lorazepam, C-IV) for her personal and unauthorized use. Ms. Christian achieved this diversion by documenting administration of the medications between the hours of midnight and 1:00 a.m., while the prescribed residents were asleep. Two alert and oriented residents stated to the Emeritus staff that they had not requested or received the medications Ms. Christian had documented administering to them during the night.

4. During an interview with the investigator for the Department of Health Professions, Ms. Christian admitted that she took the medications. When asked if she consumed them, Ms. Christian stated that she made a mistake, but would not elaborate.

5. On September 3, 2014, Ms. Christian’s employment with Emeritus was terminated.

6. On October 11, 2014, Ms. Christian pled guilty to and was convicted of petit larceny in the Salem, Virginia, General District Court. The conviction was a result of her diversion of the benzodiazepines referenced above.

7. Ms. Christian was also convicted of abuse and neglect of an incapacitated person, a misdemeanor, on October 11, 2014, as a result of the facts referenced in Finding of Fact #3 and her diversion.

8. During the course of his interview with Ms. Christian, the investigator for the Department of Health Professions offered Ms. Christian literature for the Health Practitioners’ Monitoring Program

(HPMP). Ms. Christian denied that she had a substance abuse problem. However, during her trial Ms. Christian admitted to the court that she had a substance abuse problem. As of the date of the informal conference, Ms. Christian had not entered the Virginia HPMP.

### **CONCLUSIONS OF LAW**

1. Finding of Fact Nos. 3 and 7 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code, and 18 VAC 90-25-100(2)(c) (d) and (e) of the Regulations Governing Certified Nurse Aides.
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(4) of the Code.
3. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(6) of the Code.
4. Findings of Fact Nos. 3 and 7 Conclusions of Law No. 1 constitute Findings of Abuse and Misappropriation of patient property pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:


1. The right of Melinda Jo Christian to renew Certificate No. 1401-041835 to practice as a nurse aide is REVOKED.
2. The certificate will be recorded as revoked.
3. A Finding of Abuse and Misappropriation of patient property shall be ENTERED against Ms. Christian in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Christian's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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. Christian failed to appear at the informal conference, this Order shall be considered final. Ms. Christian 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. Christian has 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 days are added to that period.

FOR THE BOARD



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

Entered: May 28, 2015

Certified True Copy

By L. Matthews  
Virginia Board Of Nursing