

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**KELLY MILLER, R.N.
License No.: 0001-164337**

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 January 7, 2015, in Henrico County, Virginia. Kelly Miller, R.N., was not present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 25, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Miller 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. Kelly Miller, R.N., was issued License No. 0001-164337 to practice as a professional nurse in Virginia on June 16, 1999. The license expired on December 31, 2014. Ms. Miller held licenses in all the United States, except Illinois. Her primary state of residence is Virginia.

2. By letter dated December 11, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Miller notifying her that an informal conference would be held on January 7, 2015. The Notice was sent by certified and first class mail to 15604 Maranatha Ave., Chester, Virginia 23836, the address of record on file with the Board of Nursing. The certified mail receipt was signed on December 12, 2014. The Notice sent by regular mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Miller and the informal conference proceeded in her absence.

3. Ms. Miller suffers from mental illness, which requires medication and treatment, and for which she was hospitalized at Tucker Pavilion from July 27, 2014, to August 12, 2014. Her discharge diagnoses included major depressive disorder with psychotic features, bipolar disorder with schizoaffective disorder, PTSD, major depression, and major anxiety.

4. When interviewed by an investigator with the Virginia Department of Health Professions (“DHP Investigator”) on October 24, 2014, Ms. Miller’s licensed professional counselor stated that she was unsure whether Ms. Miller was competent to practice nursing at that time. She also stated that Ms. Miller continued to report that she heard voices and experienced hallucinations.

5. Ms. Miller last worked as a nurse on February 15, 2013. When interviewed by a DHP Investigator on September 23, 2014, Ms. Miller reported that she was taken to the emergency room on that date and diagnosed with somatic brain disorder. She indicated that she lost the ability to speak for two months, and that she currently has difficulty walking related to the disorder. She further stated that she has applied for disability, which was pending, and acknowledged that she was not ready to work.

6. Ms. Miller has not enrolled in the Health Practitioners’ Monitoring Program.

7. By a letter to the Board dated December 16, 2014, Ms. Miller stated that she had “no intentions of renewing [her license which expired on December 31, 2014,] now or in the future.” She further stated, “[i]t is with deep regret that after 18 years of dedicated service as a nurse that it has come to an end.”

CONCLUSION OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Kelly Miller, R.N., to renew License No. 0001-164337 is INDEFINITELY

SUSPENDED.

2. The license will be recorded as suspended.

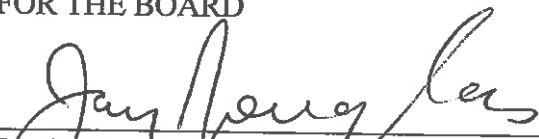
3. At such time as Ms. Miller shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Miller shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice professional 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. Miller failed to appear at the informal conference, this Order shall be considered final. Ms. Miller 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. Miller 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


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

Certified True Copy

By 
Virginia Board of Nursing

Entered: April 2nd, 2015