

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MICHELLE MULLINS, C.N.A.
Certificate No.: 1401-060048**

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 January 28, 2015, in Henrico County, Virginia, to inquire into evidence that Michelle Mullins, C.N.A., may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on November 14, 2012. 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. Mullins 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. Michelle Mullins, C.N.A., was issued Certificate No. 1401-060048 to practice as a nurse aide in the Commonwealth of Virginia on June 15, 1996. Said certificate was suspended by Order of the Board entered October 10, 2014.
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 his absence.
3. Term 4(a) of the Board's Order entered November 14, 2012, required Ms. Mullins to comply with all terms and conditions of the Health Practitioners' Monitoring Program ("HPMP"). On September 19, 2014, Ms. Mullins was dismissed from the HPMP for noncompliance with her program contract.

Specifically, Ms. Mullins missed reporting for drug screens on August 13, 2014, and August 15, 2014. Ms. Mullins had not called the testing line since August 18, 2014, and had failed to contact her HPMP case manager.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. No. 3 constitutes a violation of § 54.1-3007(6) of the Code and Term 4(a) of the Board's Order entered November 14, 2012.


ORDER

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

1. Certificate No. 1401-060048 issued to Michelle Mullins to practice as a nurse aide in the Commonwealth of Virginia is CONTINUED on INDEFINITE SUSPENSION.
2. The certificate of Ms. Mullins will be recorded as SUSPENDED. Should Ms. Mullins seek reinstatement of her certificate consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her certificate privilege prior to issuance of her certificate to resume practice.
3. At such time as Ms. Mullins shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice as a nurse aide.
4. Ms. Mullins is hereby REPRIMANDED.

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


Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

March 13TH, 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 
Virginia Board Of Nursing