

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: MELISSA MILLER, R.N.  
License No.: 0001-154310**

**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 October 21, 2014, in Henrico County, Virginia. Melissa Miller, R.N., 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 January 28, 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. Melissa Miller, R.N., was issued License No. 0001-154310 to practice professional nursing in Virginia on July 7, 1997. The license is scheduled to expire on May 31, 2016. Ms. Miller's primary state of residence is West Virginia.

2. By letter dated September 23, 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 October 21, 2014. The Notice was sent by certified and first class mail to P.O. Box 173, Bunker Hill, West Virginia, 25413, the address of record on file with the Board of Nursing. Neither the receipt for the Notice

sent via certified mail nor the Notice itself was returned to the Board office. The Notice sent via first class 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. On April 24, 2012, the Maryland Board of Nursing issued a Reprimand against Ms. Miller based on the information contained in Finding of Fact No. 4.

4. During the course of her employment with a hospital in Hagerstown, Maryland, on June 12, 2009, Ms. Miller removed 104 Dilaudid (hydromorphone - Schedule II) syringes and other narcotic medication but failed to properly account for all of the medication's administration, wastage or return. This included documenting administration at times inconsistent with the medication's removal, administering Dilaudid to patients who did not have orders for it, and administering Dilaudid to patients who were not assigned to her without their assigned nurses' knowledge.

5. The hospital reported that when Ms. Miller was confronted on May 21, 2009, she was observed to be very scattered and confused about the events of the day and forgetful. At that time, Ms. Miller started to cry and admitted that she used street drugs and had been in rehabilitation several times in the past for drug abuse. Her employment was terminated on May 28, 2009.

6. Ms. Miller stated to an investigator for the Department of Health Professions that she suffers from polyarthritis and fibromyalgia. She is currently receiving disability benefits.

#### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(5) of the Code.
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.


#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-154310 of Melissa Miller, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
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.

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, R.N., M.S.M., C.S.A.C., 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, R.N., M.S.M., C.S.A.C.  
Executive Director  
Virginia Board of Nursing

Certified True Copy

By L. Robinson-Howes  
Virginia Board of Nursing

Entered: February 20, 2015