

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**MARY ELLEN COTELLESE, R.N.
LICENSE NO.: 0001-090106**

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Mary Ellen Cotellesse, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Cotellesse's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Mary Ellen Cotellesse, R.N., was issued License No. 0001-090106 to practice professional nursing by the Virginia Board of Nursing on August 26, 1983. Said license is valid in Virginia only and is set to expire on August 31, 2013. Her primary state of residence is Virginia.

2. Ms. Cotellesse is unable to safely practice as a professional nurse due to substance abuse and/or mental illness, as evidenced by the following:

a. On August 31, 2011, in the General District Court of Patrick County, Virginia, Ms. Cotellesse was convicted of two counts of driving under the influence of drugs for offenses that occurred on December 1, 2010, and April 6, 2011. Ms. Cotellesse states that on April 6, 2011, she ingested prescription narcotic medications as well as Benadryl before driving to work. Ms. Cotellesse also was convicted of improper driving in October 2010 and reckless driving in June 2011.

b. Ms. Cotellesse entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on May 3, 2011. She signed the first of several Recovery Monitoring Contracts on August 17, 2011. In the Recovery Monitoring Contracts, she acknowledged that her substance abuse disorder and/or mental illness may impair her ability to practice her health profession safely. According to the HPMP,

her current diagnoses are opiate dependence, Ambien dependence, and depressive disorder. She also suffers from physical ailments that require treatment and medication.

3. Ms. Cotellese was granted a stay of disciplinary action in October 2011 with the understanding that she would comply with all requirements of the HPMP. The stay was vacated on November 28, 2011, due to her failure to enter and complete treatment as recommended and her continued use of Ambien.

4. As of this time, Ms. Cotellese is in compliance with the HPMP. She attends group therapy with the New River Valley Community Services Board twice weekly and AA meetings three times a week.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).

CONSENT

Mary Ellen Cotellese, L.N.P., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0001-090106 of Mary Ellen Cotellese, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Cotellese 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 nursing. Ms. Cotellese shall be responsible for any fees that may be required for the reinstatement and renewal of the license privilege prior to issuance of the license to resume practice.

4. This suspension shall be STAYED upon Ms. Cotellese's continued compliance with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Cotellese shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Cotellese, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

- i. She is not in compliance with the terms and conditions specified by the HPMP;
- ii. Her participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against her involving a violation of law, regulation, or any term or condition of this order.

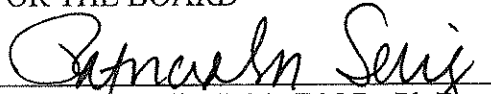
5. Ms. Cotellese shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

6. Upon receipt of evidence of Ms. Cotellese's participation in and compliance with the HPMP, the Boars, at its discretion, may waive her appearance before the Boars and conduct an administrative review of this matter, at which time Ms. Cotellese may be issued an unrestricted license to practice professional nursing

7. This Order is applicable to Ms. Cotellese's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Cotellese shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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 upon request.

FOR THE BOARD



Patricia M. Selig, R.N., F.N.P., Ph.D.
President, Virginia Board of Nursing

ENTERED: July 17, 2012

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SEEN AND AGREED TO:

Mary Ellen M. Cotellese
Mary Ellen Cotellese, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Montgomery, TO WIT:

Subscribed and sworn to before me, Shannon R. Lilley, a Notary Public, this 29th day of June, 2012.

My commission expires 09-30-2015.

Registration Number 7510938.

Shannon R. Lilley
NOTARY PUBLIC

SHANNON R. LILLEY
NOTARY PUBLIC 7510938
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 09-30-2015