



COMMONWEALTH of VIRGINIA

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Virginia Board of Nursing
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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

November 10, 2014

Melanie Kassoff, R.N.
4750 Sussex Court, Apt. L
Roanoke, VA 24018

CERTIFIED MAIL
9414726699042003254355

RE: VA License No.: 0001-082656
Expiration Date: January 31, 2016

Dear Ms. Kassoff:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **December 4, 2014 at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically, you may have violated §54.1-3007(6) of the Code in that you may be unsafe to practice nursing due to substance abuse and/or mental illness and/or physical disability, as evidenced by the following:

1. On or about May 27, 2014, you were admitted to Carilion Roanoke Memorial Hospital, Roanoke, Virginia. You were found unresponsive in your apartment by a neighbor and admitted for a suspected suicide attempt in which it was suspected that you had overdosed on Adderall, Halcion and Seroquel. You were treated for severe sepsis secondary to aspiration pneumonia, hypoxic respiratory failure, acute hepatitis and hepatic failure, acute encephalopathy, failure to thrive and malnutrition related to poor compliance with ulcerative colitis and you were intubated from May 28, 2014 to June 2,

2014. A drug screen was obtained and was positive for benzodiazepines and opiates. You were discharged on June 3, 2014, to Carilion Clinic Saint Albans Hospital ("Saint Albans"), Christiansburg, Virginia, for an evaluation and psychiatric treatment.

2. At your discharge from Saint Albans on June 5, 2014, you were diagnosed with substance induced mood disorder, cognitive disorder NOS, major depression in partial relapse, recent acute encephalopathy, polysubstance abuse and alcohol dependence, questionable if in remission and personality disorder NOS with cluster B traits. Your discharge summary indicated you denied the suicide attempt and stated you were trying to get high.

3. On or about June 8, 2014, you were admitted to Lewis Gale Medical Center, Roanoke, Virginia accompanied by the police. You had showed up to your workplace, Lewis Gale Center for Behavioral Health, with an altered mental status and slurred speech and you were exhibiting odd behaviors. You were discharged to Saint Albans on June 10, 2014, for further inpatient psychiatric treatment. Your diagnosis was an overdose of narcotics and benzodiazepines, respiratory failure secondary to aspiration pneumonia, aspiration pneumonia with sepsis, history of alcohol and IV drug use, severe iron deficiency and anemia, multivitamin deficiency and malnutrition.

4. On or about June 10, 2014, you were admitted to Saint Albans, following your discharge from Lewis Gale Medical Center. At discharge on June 18, 2014, you were noted to have a diagnosis of recurrent major depression, alcohol dependence in remission, opiate and benzodiazepine abuse, and personality disorder, NOS with cluster B traits. While at Saint Albans you admitted to prior suicide attempts and reported that you were experiencing opiate withdrawals.

5. On or about July 25, 2014 your psychiatrist became concerned after you missed an appointment. He requested the police and emergency services respond to your apartment and you were found unresponsive on your apartment floor. You were admitted to Lewis Gale Medical Center and during your admission you indicated you had taken more medicine that you were supposed to. You also tested positive on a urine drug screen for opiates.

6. On or about August 1, 2014, you arrived for an appointment at Carilion Psychiatry and Behavioral Medicine, Roanoke, Virginia, and appeared confused. The facility indicated they suspected the confusion was a result of substance abuse. You were admitted to Carilion Rehabilitation and discharged on August 7, 2014. You are currently prescribed Suboxone (buprenorphine and naloxone, Schedule III) and have a diagnosis of recurrent depression, opiate/alcohol dependence and chronic pain.

7. During an interview with an investigator with the Department of Health Professions on or about September 22, 2014, your psychiatrist at Carilion Psychiatry and Behavioral Medicine indicated you were physically very ill. He reported you are weak and emaciated and not physically able to work.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4634.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by November 21, 2014. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the

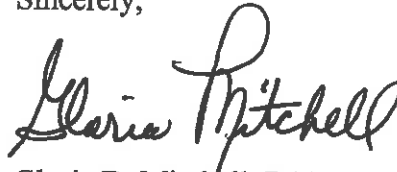
informal conference will be held on December 4, 2014. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on November 21, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after November 21, 2014 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4614.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director

BK/fdb
Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Wendy Deaner, Adjudication Specialist
Denise Sexton, Senior Investigator (Case No. 157431)
Agency Subordinate
Peggy Wood, Monitoring Program Manager