

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

MICHELE R. M. DAVIDSON, R.N.

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, 2010, in Henrico County, Virginia, to inquire into evidence that Michele R. M. Davidson, R.N.; may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was presented by James Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Michele R. M. Davidson, R.N., was 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. Michele R. M. Davidson, R.N., was issued License No. 0001-146903 to practice as a professional nurse by the Virginia Board of Nursing on February 12, 1996. Said license is set to expire on February 28, 2011.

2. On or about May 31, 2008, Ms. Davidson suffered from postpartum depression following the traumatic birth of her fourth child, during which time she had a psychotic episode in which she held her former employer/ physician at gunpoint, threatening to commit suicide. She was criminally charged with abduction and breaking and entering related to this incident, but was found not guilty by reason of insanity by an Order entered in the Circuit Court of Loudoun County, Virginia, on December 17, 2008, and was thereafter hospitalized by court order at Northern Virginia Mental Health Institute and is undergoing a

gradual release protocol. Ms. Davidson was treated for major depressive disorder, recurrent with psychotic features, and for post-traumatic stress disorder. In a January, 2010, psychological evaluation, she was deemed to require on-going pharmacological treatment along with continued monitoring.

3. Ms. Davidson signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on October 28, 2009, and has remained in full compliance with her Participation Contract. Ms. Davidson testified that her on-going therapy is also being monitored by the Loudoun County Community Services Board.

CONCLUSIONS OF LAW

The Board concludes that:

Finding of Fact #2 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

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

1. License No. 0001-146903 issued to Michele R. M. Davidson, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

2. The license of Michele R. M. Davidson, R.N., will be recorded as SUSPENDED and no longer current.

3. At such time as Ms. Davidson shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing. Ms. Davidson 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.

5. Said suspension shall be STAYED based upon Ms. Davidson's continued compliance with HPMP and thereafter upon the following terms and conditions:

a. Ms. Davidson 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 Ms. Davidson, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Davidson is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

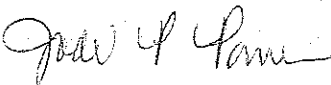
6. Upon receipt of evidence of Ms. Davidson's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Davidson's appearance before the Board, and conduct an administrative review of this matter.

7. This Order shall be applicable to Ms. Davidson's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Davidson may 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.

8. Ms. Davidson 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.

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


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

February 12, 2010
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, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, 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.