

VIRGINIA:**BEFORE THE COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE****IN RE: MICHELE R. M. DAVIDSON, R.N., L.N.P.****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 Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") on June 23, 2009, in Henrico County, Virginia. Michele R. M. Davidson, R.N., L.N.P., was present and was not represented by legal counsel. Janet B. Younger, Ph.D, R.N., P.N.P., serving as Agency Subordinate for the Committee of the Joint Boards, submitted a Recommended Decision for consideration.

On December 2, 2009, a quorum of the Committee of the Joint Boards met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Davidson was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Committee of the Joint Boards makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Michele R. M. Davidson, R.N., L.N.P., was issued License No. 0001-146903 to practice professional nursing in Virginia on February 12, 1996. She was issued License No. 0024-146903 to practice as a nurse practitioner on February 13, 1996, and Prescriptive Authority No. 0017-001056 on February 21, 2007. All are current and scheduled to expire on February 28, 2011.
2. By letter dated May 15, 2009, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Davidson notifying her that an informal conference would be held on June 23, 2009.

The Notice was sent by certified and first class mail to 44108 Bristow Circle, Ashburn, Virginia 20147, the address of record on file with the Board of Nursing.

3. Ms. Davidson is unable to practice with reasonable skill and safety due to mental health issues. Specifically, she 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. Her diagnosis is major depressive disorder with resolved psychosis secondary to postpartum depression.

4. At the informal conference, Ms. Davidson reported that she has been a patient at Northern Virginia Mental Health Institute in Fairfax, Virginia (“NVMHI”), since April 8, 2009, following her transfer from Central State Hospital, Petersburg, Virginia, where she was a patient from December 15, 2008, until her transfer. She indicated that she is currently undergoing the gradual release process at NVMHI pursuant to the Order related to her criminal charges.

5. Ms. Davidson is a long-time employee of George Mason School of Nursing and is currently on medical leave.

6. The evidence revealed no patient care or disciplinary issues in Ms. Davidson’s practice.

7. Ms. Davidson’s current medications are Abilify, Effexor, Buspar, and Ambien.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0024-146903 and Prescriptive Authority No. 0017-001056 of Michele R.

M. Davidson, R.N., L.N.P., is INDEFINITELY SUSPENDED.

2. The license and prescriptive authority will be recorded as suspended and no longer current.

3. This suspension applies to any multistate privilege to practice as a nurse practitioner.

4. At such time as Ms. Davidson shall petition the Committee of the Joint Boards for reinstatement of her license and prescriptive authority, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a nurse practitioner. Ms. Davidson shall be responsible for any fees that may be required for the reinstatement and renewal of the license and/or prescriptive authority prior to issuance of the license to resume practice.

5. This suspension shall be STAYED upon proof that Ms. Davidson has entered into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP within 90 days of the entry of this Order. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

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 of Ms. Davidson, and an administrative proceeding shall be held to determine whether her license and prescriptive authority shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Committee of the Joint Boards is notified that:

i. Ms. Davidson is not in compliance with the terms and conditions specified by the HPMP;

- ii. Ms. Davidson's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms.

Davidson involving a violation of law, regulation, or any term or condition of this order.

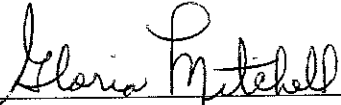
6. This Order is applicable to Ms. Davidson's multistate licensure privileges, if any, to practice as a nurse practitioner in the Commonwealth of Virginia. For the duration of this Order, Ms. Davidson shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege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

7. If Ms Davidson's suspension is stayed and she is allowed to return to practice as a nurse practitioner by the HPMP, Ms. Davidson shall maintain a course of conduct in her capacity as a nurse practitioner with prescriptive authority commensurate with the requirements of § 54.1-3000 *et seq.* and § 54.1-2957 *et seq.* of the Code and the Regulations Governing the Licensure of Nurse Practitioners and the Regulations for Prescriptive Authority for Nurse Practitioners.

This Order is subject to appeal to the Committee of the Joint Boards. If Ms. Davidson desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

FOR THE COMMITTEE OF THE JOINT BOARDS



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

Entered: December 29, 2009