

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           MEAGAN NOZZARELLA, R.N.  
                  License No.: 0001-191738**

**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 September 4, 2014 in Henrico County, Virginia. Meagan Nozzarella, R.N. was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Nozzarella 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. Meagan Nozzarella, R.N. was issued License No. 0001-191738 to practice professional nursing in Virginia on July 26, 2004. The license is scheduled to expire on May 31, 2015. Her primary state of residence is Virginia.
2. By letter dated July 30, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Nozzarella notifying her that an informal conference would be held on September 4, 2014. The Notice was sent by certified and first class mail to 1005 Deaton Court, Chesapeake, Virginia 23323, the address of record on file with the Board of Nursing.
3. During the course of her employment with Children's Hospital of the King's Daughters,

Norfolk, Virginia (“CHKD”):

- a. On at least two occasions between February and July 2010, Ms. Nozzarella was impaired while on duty, acting “drugged,” “drifting off,” and exhibiting pinpoint pupils. On July 25, 2010, she submitted to a drug screen that was positive for morphine (Schedule II), for which she did not have a prescription.
- b. Ms. Nozzarella diverted morphine from hospital supplies for her personal and unauthorized use, as evidenced by the following:
  - i. On March 21, 2010, Patient A was ordered morphine 5mg/1ml via PCA. Ms. Nozzarella removed morphine 10mg/1ml at 2330 hours for Patient A and documented wasting 6mg. The nurses notes indicate that she gave morphine “as ordered” at 2330, but she failed to document administering this medication on the patient’s Medication Administration Record.
  - ii. On July 30, 2010, she removed morphine 2mg/1ml at 0637 hours for Patient B and documented administering 1mg/.5mL at 0650; however, she failed to document wastage of the remaining 1mg.
4. Ms. Nozzarella signed a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) on August 21, 2010. She signed a Recovery Monitoring Contract on October 4, 2010. She was granted a stay of disciplinary action regarding the allegations of impairment at CHKD on January 24, 2011, with the expectation that she would comply with the terms and conditions of the HPMP. The stay of disciplinary action was vacated on December 18, 2013, due to her noncompliance with the HPMP, including failing to call the toxicology test line and failing to test when directed to do so.
5. Ms. Nozzarella’s HPMP case manager indicated in a compliance report dated September 3, 2014, that Ms. Nozzarella was currently in full compliance with her Recovery Monitoring Contract. She has been approved to seek employment in the nursing field but is not currently employed.

6. Ms. Nozzarella stated at the informal conference that she took morphine due to knee pain following surgery. She maintained that she did not divert the medication but obtained it from a neighbor. Her sobriety date is August 10, 2010. She attends AA three times per week and Caduceus every other week. She has a sponsor who has six years' sobriety. She currently is prescribed only an antidepressant.

#### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and 3(b) constitute a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION contingent on Ms. Nozzarella's continued compliance with the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Nozzarella, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Nozzarella shall be noticed to appear before the Board at such time as the Board is notified that:
  - a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
  - b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
  - c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Nozzarella's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct

an administrative review of this matter.

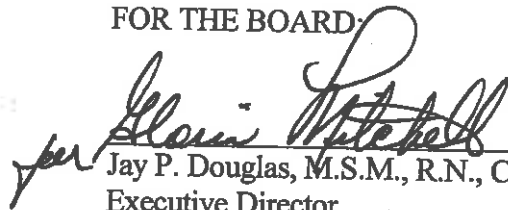
3. This Order is applicable to Ms. Nozzarella's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Nozzarella shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission 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.

4. Ms. Nozzarella shall maintain a course of conduct in his/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 § 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.


Pursuant to Section 54.1-2400(10) of the Code, Ms. Nozzarella may, not later than 5:00 p.m., on January 6, 2015, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

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

ENTERED: December 4, 2014

Certified True Copy

By   
Virginia Board of Nursing

This Order shall become final on January 6, 2015, unless a request for a formal administrative hearing is received as described above.