

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LINDSAY N. MILLER, C.N.A.
Certificate No. : 1401-147919

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 August 19, 2014 in Henrico County, Virginia. Ms. Miller was present and was not represented by legal counsel. Nancy K. Durrett, 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. Miller 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. Lindsay N. Miller, C.N.A. was issued Certificate No. 1401-147919 to practice as a nurse aide in Virginia on September 14, 2011. The certificate is scheduled to expire on September 30, 2015.
2. By letter dated August 1, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Miller notifying her that an informal conference would be held on August 19, 2014. The Notice was sent by certified and first class mail to 217 Tarleton Bivouac, Williamsburg, Virginia 23188, the address of record on file with the Board of Nursing.
3. On February 19, 2014, Ms. Miller was voluntarily admitted to The Farley Center at

Williamsburg Place, Williamsburg, Virginia for substance abuse treatment. She relapsed on April 14, 2014. Her diagnosis included alcohol, benzodiazepine, and opioid dependence, depressive disorder, anxiety disorder, and post traumatic stress disorder. It was determined that Ms. Miller should not return to work as a nurse aide.

4. Ms. Miller’s sobriety date is April 19, 2014. She stated that she has a sponsor and attends Alcoholics Anonymous and Caduceus meetings once a week.

5. The Director of Nursing at The Gardens at Warwick Forest, Newport News, Virginia, stated that Ms. Miller was employed from November 8, 2010 to February 25, 2014 when she resigned in good standing. Ms. Miller stated that she never worked impaired.

6. Ms. Miller marked “No” to the question regarding physical, mental, or chemical dependency conditions on her original application to be certified as a nurse aide dated October 9, 2010. She also marked “No” to the same question on her February 14, 2014 reinstatement application.

7. Ms. Miller stated that she has five weeks remaining until she completes RN school.

8. Ms. Miller indicated she is willing to enter the Health Practitioners’ Monitoring Program (“HPMP”).

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. Certificate No. 1401-147919 of Lindsay N. Miller, C.N.A. is INDEFINITELY SUSPENDED.
2. The certificate shall be recorded as suspended and no longer current.

3. At such time as Ms. Miller shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a nurse aide. Ms. Miller shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

4. This suspension shall be STAYED upon proof of entry into the Health Practitioners' Monitoring Program ("HPMP") and compliance with a Recovery Monitoring Contract with 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. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

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

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

ii. Ms. Miller's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms.

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

5. Upon receipt of evidence of Ms. Miller's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Miller's appearance before a Committee and

conduct an administrative review of this matter, at which time she may be issued an unrestricted license.


6. Lindsay N. Miller, C.N.A. is hereby REPRIMANDED.

7. Ms. Miller shall maintain a course of conduct in her capacity as a nurse aide 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. Miller may, not later than 5:00 p.m., on **December 29, 2014**, 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: November 25th, 2014

This Order shall become final on December 29, 2014; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board Of Nursing