

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

KIMBERLY M. MILLS, L.P.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 September 15, 2008, in Henrico County, Virginia, to inquire into evidence that Kimberly M. Mills, L.P.N., may have violated certain laws and regulations governing practical nurse practice in Virginia. The case was presented by William Clay Garrett, Assistant Attorney General. Howard Casway, Sr., Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Mills 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. Kimberly M. Mills, L.P.N, was issued License No. 0002-063654 to practice practical nursing in the Commonwealth of Virginia on May 28, 2002. Said license was summarily suspended by Order of the Board entered on July 2, 2008.
2. On March 11, 2008, by her own admission, Ms. Mills was hospitalized after using cocaine and alcohol and taking medication prescribed to family members.
3. During the course of her employment with Med Request, Martinsville, Virginia ("Med Request"), on May 12, 2008, Ms. Mills tested positive for cocaine and hydrocodone (schedule III) for which she did not have a valid prescription. She also told her employer that she had a problem with cocaine.

4. During an interview with the Department of Health Professions investigator on May 15, 2008, Ms. Mill refused to take a drug test because, by her own admission, she recently used cocaine and Lortab (hydrocodone, schedule III) for which she did not have a valid prescription.

5. On her application for employment with Blue Ridge Rehab Center, Martinsville, Virginia ("Blue Ridge"), dated January 14, 2008, when asked her reason for leaving Memorial Hospital of Martinsville and Henry County, Martinsville, Virginia ("Memorial Hospital"), Ms. Mills wrote "changes needed," when her employment was actually terminated.

6. On her application for employment with Med Request, dated April 1, 2008, when asked her reason for leaving Memorial Hospital, Ms. Mills wrote "staffing issues," when her employment was actually terminated. Ms. Mills also failed to list her employment with Blue Ridge.

7. Ms. Mills testified that her daily use of crack cocaine and alcohol did not have an impact on her nursing practice, and that she chose not to enter into the Health Practitioners' Intervention Program ("HPIP") as it would have required her to reject an offer for employment in a nursing capacity. She stated that she has not used alcohol or drugs or received treatment since May 2008. She testified that she currently resides in North Carolina.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 2, 3 and 4 constitute violations of § 54.1-3007 (6) of the Code.
2. Findings of Fact Nos. 5 and 6 constitute violations of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.

ORDER


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

1. License No. 0002-063654 issued to Kimberly M. Mills to practice practical nursing in the Commonwealth of Virginia, is hereby CONTINUED on INDEFINITE SUSPENSION.
2. The license will be recorded as SUSPENDED.
3. Said suspension shall be STAYED upon proof that Ms. Mills has entered into a Recovery Monitoring Contract with HPIP and upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPIP and the following terms and conditions:
 - a. Ms. Mills shall comply with all terms and conditions for the period specified by the HPIP.
 - 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. Mills, 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. Mills is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or
 - ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.
4. Upon receipt of evidence of Ms. Mills' participation in and successful completion of the terms specified by the HPIP, the Committee, at its discretion, may waive Ms. Mills' appearance before the Committee, and conduct an administrative review of this matter.
5. This Order shall be applicable to Ms. Mills' multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Mills 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.

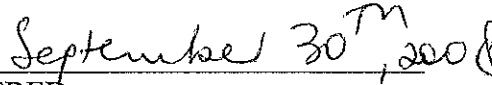
6. Ms. Mills shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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



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



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.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to Kimberly Mills, L.P.N., at 57 Horsley Road, Bassett, Virginia 24055.

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

September 30th, 2008
DATE