

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JO EVE P. MILLER, L.P.N.

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 June 23, 2009, in Henrico County, Virginia. Jo Eve P. Miller, L.P.N., was present and was represented by Valerie A. Chastain, Esquire. Janet B. Younger, Ph.D, R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 16, 2009, 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. Jo Eve P. Miller, L.P.N., was issued License No. 0002-033512 to practice as a practical nurse in Virginia on November 22, 1983. The license is current, and set to expire on January 31, 2011.
2. By letter dated May 15, 2009, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Miller notifying her that an informal conference would be held on June 23, 2009. The Notice was sent by certified and first class mail to 3606 Bunkerhill Drive, Roanoke, Virginia 24018, the address of record on file with the Board of Nursing.
3. Ms. Miller is unable to practice with reasonable skill and safety due to a history of mental health diagnoses, including major depressive disorder, recurrent with suicidal ideation. These

diagnoses require medication and other treatment, with which Ms. Miller is non-compliant, and for which she was involuntarily admitted to three different facilities between December 9, 2007, and September 22, 2008, in addition to her voluntary admission on October 6, 2008.

4. At the informal conference, Ms. Miller acknowledged a history of mental health issues, which begin in 1981, following the birth of one of her children. She reported that she suffered from postpartum depression and was hospitalized for four days. She also stated that, with the exception of a short period, she has been on psychotropic medications since that time. She indicated that her hospitalization in December, 2007, was precipitated by an employment termination. She stated that following her discharge after her voluntary hospital admission, she did not complete the adult day treatment program or the follow-up counseling as recommended because she no longer had any health insurance to cover the expense. She also stated that she is currently under the care of a physician and counselor at Blue Ridge Behavioral, which includes counseling and medication management. Her current medications are Prozac, Synthroid, and trazodone. She reported that she was last hospitalized in November, 2008.

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. 0002-033512 of Jo Eve P. Miller, L.P.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. At such time as Ms. Miller shall petition the Board for reinstatement of her license, an

administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Miller 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.

5. This suspension shall be STAYED upon proof of entry 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, and thereafter require she remain in compliance with 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 license of Ms. Miller, and an administrative proceeding shall be held to determine 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. 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.

6. This Order is applicable to Ms. Miller's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Miller shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the

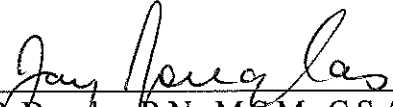
written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Miller wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

7. If Ms Miller's suspension is stayed and she is allowed to return to practice as a practical nurse by the HPMP, Ms. Miller 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.

This Order is subject to appeal to the Board. If Ms. Miller 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 BOARD



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

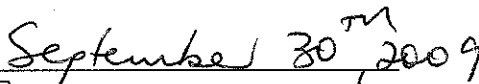
Entered: September 30th, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Jo Eve P. Miller, L.P.N., at 3606 Bunkerhill Drive, Roanoke, Virginia 24018, and to Valerie A. Chastain, Esquire, at 315 North Bridge Street, Bedford, Virginia 24523.



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



DATE