

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

MELISSA DEMPSEY, L.P.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Melissa Dempsey, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Dempsey's license to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Melissa Dempsey, L.P.N., was issued License No. 0002-045872 to practice practical nursing by the Virginia Board of Nursing on May 28, 1992. Said license is set to expire on December 31, 2012. Her primary state of residence is Virginia.
2. During the course of her employment with Medical Care Center, Lynchburg, Virginia, between June and August, 2009, Ms. Dempsey diverted Lortab (hydrocodone, Schedule III) and Percocet (oxycodone, Schedule II) from multiple residents for her own personal and unauthorized use.
3. Ms. Dempsey entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") in October 2009. She was granted a stay of disciplinary action with the understanding that she would comply with all terms and conditions of her Recovery Monitoring Contract.
4. The stay of disciplinary proceedings was vacated on January 21, 2011, after Ms. Dempsey tested positive for Tramadol on December 16, 2010, and submitted dilute screens in July, August, September, and October, 2010, all in violation of her Recovery Monitoring Contract with the HPMP.
5. In all other respects, Ms. Dempsey is compliant with her program contract.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

CONSENT

Melissa Dempsey, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time contingent on Melissa Dempsey’s continued compliance with the Health Practitioners’ Monitoring Program for the period specified by the Program.

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 upon request.

FOR THE BOARD

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

ENTERED: October 14, 2011

SEEN AND AGREED TO:

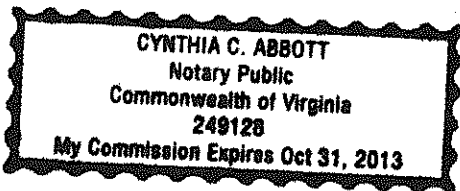
Melissa Dempsey, LPN
Melissa Dempsey, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Lynchburg, TO WIT:

Subscribed and sworn to before me, Cynthia C Abbott, a Notary Public, this 22nd day of September, 2011.

My commission expires 10-31-2013.

Registration Number 249128.



Cynthia C Abbott
NOTARY PUBLIC