

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MYRA FELDMAN, R.N.
License No.: 0001-086745**

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 18, 2014, in Henrico County, Virginia, to inquire into evidence that Myra Feldman, R.N., may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on October 26, 2010, and to inquire into evidence that she may have violated certain laws governing nursing practice in Virginia. The case was presented by Amanda E. M. Blount, Adjudication Specialist, Administrative Proceedings Division. James Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Feldman 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. Myra Feldman, R.N., was issued License No. 0001-086745 to practice professional nursing by the Virginia Board of Nursing on September 15, 1982. Said license was suspended by Order of the Board entered on April 11, 2008. By an Order of the Board entered October 26, 2010 ("Board's Order"), the Board reinstated Ms. Feldman's nursing license and placed her on probation with terms and conditions for not less than one year of actual nursing practice. Previously, by Order entered December 20, 2006, the Board ordered Ms. Feldman to have an evaluation by a licensed psychiatrist based on findings that Ms. Feldman

was non-compliant with her mental health treatment, and that her treatment provider concluded that she was unsafe to practice nursing at that time. By Order entered April 11, 2008, the Board suspended Ms. Feldman's license to practice professional nursing for a period of not less than two years based on findings that Ms. Feldman refused to comply with the recommendations of the Board-approved psychiatrist. Said license is set to expire on January 31, 2016. Her primary state of residence is Virginia.

2. Term No. 5 of the Board's Order required Ms. Feldman to ensure that her psychiatrist sent the Board written quarterly progress reports. The Board did not receive therapy reports due on December 31, 2011, all quarters of 2012, and March 31, 2013, and two other reports were received late.

3. Term No. 7 of the Board's Order required Ms. Feldman to submit quarterly self-reports. The Board did not receive her report due December 31, 2012, and the reports due in December 2011, March, June, and September 2012, and March and June 2013 were received either late or early.

4. Ms. Feldman is unsafe to practice nursing due to mental illness, as evidenced by the following:

a. She was admitted to Virginia Beach Psychiatric Center on October 11, 2013, upon a temporary detention order. Upon discharge on October 23, 2013, her diagnoses included schizoaffective disorder with psychotic features and mood disorder NOS. Her discharge global assessment of functioning was 45, and her prognosis was guarded.

b. In November 2013, the Board received a statement from her treating psychiatrist that due to her diagnoses and her poor insight into her problems, she was not able to perform any professional duty as a nurse.

5. Ms. Feldman stopped seeing her psychiatrist in September 2011. She resumed seeing her psychiatrist in 2013, until she again stopped seeing him in November 2013. Ms. Feldman testified that her psychiatrist told her not to come back because she stopped taking her medications. She further testified that

she has not received mental health treatment since November 2013, and that she has been “mislabeled.” She blamed the Board for her inability to find employment.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of Term No. 5 of the Board’s Order.
2. Finding of Fact No. 3 constitutes a violation of Term No. 7 of the Board’s Order.
3. Findings of Fact Nos. 4(a) and 4(b) constitute violations of § 54.1-3007(6) of the Code.

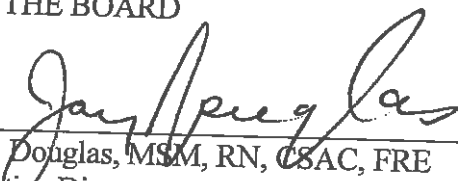
ORDER

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

1. License No. 0001-086745 issued to Myra Feldman, R.N., to practice as a professional nurse in the Commonwealth of Virginia, is hereby REVOKED.
2. The license will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Feldman seek reinstatement of her license after three years, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice. The reinstatement of Ms. Feldman’s license shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
3. At such time as Ms. Feldman shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.
4. This Order shall be applicable to Ms. Feldman’s multistate licensure privileges, if any, to practice professional nursing.

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, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

October 22nd, 2014
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, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, 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.

Certified True Copy

By 
Virginia Board Of Nursing