

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: MYRA FELDMAN, R.N. REINSTATEMENT APPLICANT**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on October 12, 2010, in Henrico County, Virginia, to receive and act upon Ms. Feldman’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Feldman may have violated certain laws and regulations governing professional nursing practice in Virginia. Ms. Feldman was present and was not represented by counsel. Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Ms. Feldman was issued License No. 0001-086745 to practice professional nursing in the Commonwealth of Virginia on September 15, 1982. Said license was suspended by Order of the Board entered on April 11, 2008. 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 is 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. Ms. Feldman’s primary state of residence is Virginia.

2. Ms. Feldman submitted an application for reinstatement of her license to practice professional nursing, which was received by the Board on August 3, 2010.

3. By letter dated September 17, 2010, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Feldman notifying her that an informal conference would be held on October 12, 2010. The Notice was sent by certified and first class mail to 5632 Parkland Court, Virginia Beach, Virginia 23464, the address of record on file with the Board of Nursing.

4. From June 10, 2008, to June 20, 2008, Ms. Feldman was admitted to the Virginia Beach Psychiatric Center, Virginia Beach, Virginia, on a temporary detention order, due to delusional and paranoid thoughts. She also had suicidal and homicidal ideations prior to her admission. Ms. Feldman was diagnosed as having a psychotic disorder not otherwise specified.

5. From December 27, 2008, to January 11, 2009, Ms. Feldman was admitted to the Virginia Beach Psychiatric Center on a temporary detention order, and she was diagnosed with chronic paranoid schizophrenia. It was noted that Ms. Feldman had poor insight into her illness, and her judgment was impaired. Further, she had not been compliant with her outpatient treatment or medications.

6. Ms. Feldman submitted a letter from her psychiatrist dated July 29, 2010. In the letter, the psychiatrist stated that she has been treating Ms. Feldman since March 13, 2009, and has not observed Ms. Feldman exhibit any significant positive or negative symptoms of schizophrenia. The psychiatrist prescribes one dosage unit of 2 mg of Abilify daily for Ms. Feldman. Ms. Feldman reports being compliant with her daily medication and that she last saw her psychiatrist in August, 2010.

7. Ms. Feldman submitted 15 contact hours of continuing education. Ms. Feldman also stated at the informal conference that she volunteers at a nursing home one hour a week.

#### **CONCLUSIONS OF LAW**

1. Findings of Fact Nos. 4 and 5 constitute a violation of § 54.1-3007(6) of the Code.

2. The Committee concludes that Ms. Feldman has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner, with monitoring.

**ORDER**

On the basis of the foregoing, the Committee hereby ORDERS the license of Myra Feldman is hereby REINSTATED on PROBATION for one year of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Feldman has completed one year of active employment as a professional nurse. The license of Ms. Feldman shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.

2. Ms. Feldman shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Feldman shall provide the name and address of each employer to the Board.

3. Ms. Feldman shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Feldman is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

4. Performance Evaluations shall be provided, at the direction of Ms. Feldman, by all nursing employers, as provided by the Compliance Division. The first report must be received in the Board office no

later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

5. Ms. Feldman shall ensure that her psychiatrist sends written quarterly progress reports to the Board by the last day of the months of March, June, September and December until Ms. Feldman is discharged from therapy. Ms. Feldman shall direct the psychiatrist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

6. Ms. Feldman shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

7. Ms. Feldman shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

8. The Board shall issue a license marked “Valid in Virginia Only; Probation with Terms.”

9. Ms. Feldman shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

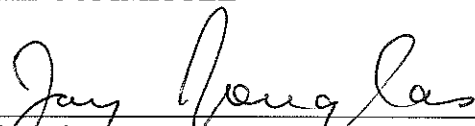
10. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Feldman and an administrative proceeding shall be held to decide whether her license shall be revoked.

11. This order shall be applicable to Ms. Feldman’s multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Feldman

shall not work outside 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. Feldman wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

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 COMMITTEE

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

ENTERED: October 26<sup>th</sup> 2010

**NOTICE OF RIGHT TO FORMAL HEARING**

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.