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VA BD OF NURSING

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**MICHELLE MULLINS, C.N.A.  
License No.: 1401-060048**

**CONSENT ORDER**

Pursuant to §§2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on August 13, 2012 in Henrico County, Virginia, to inquire into evidence that Michelle Mullins, C.N.A., may have violated certain laws and regulations governing certified nurse aide practice in Virginia and an Order of the Board entered May 27, 2010. Ms. Mullins was not present and was not represented by legal counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Michelle Mullins, C.N.A., was issued Certificate No. 1401-060048 to practice as a nurse aide by the Virginia Board of Nursing on June 15, 1996. Said certificate is set to expire on June 30, 2013.
2. By letter dated July 18, 2012, the Board sent a Notice of Informal Conference to Ms. Mullins notifying her that an informal conference would be held on August 13, 2012. The notice was sent by certified and first class mail to 1012 Rosemary Avenue, Roanoke, Virginia 24014, the address of record on file with the Board. The certified mail receipt was signed and returned to the Board office on July 27, 2012. The first-class mail was not returned to the Board office. The Committee Chair concluded that adequate notice was provided to Ms. Mullins and the informal conference proceeded in her absence.
3. By Order of the Board entered May 27, 2010 ("Board's Order"), Ms. Mullins was required to enter the Health Practitioners' Monitoring Program ("HPMP"), following her guilty plea for possession of cocaine in 2005 and entry into a residential substance abuse program in 2006.

4. Ms. Mullins signed a Participation Contract on July 5, 2010. Ms. Mullins was dismissed from the HPMP on January 20, 2012 for failure to maintain her abstinence from alcohol and/or mind-altering medications and drugs, after testing positive for cocaine in both November and December 2011. Ms. Mullins admitted to her HPMP case manager that she was using cocaine.

5. Ms. Mullins' employment as a certified nurse aide with Berkshire Health & Rehabilitation Center, Vinton, Virginia, was terminated following the positive drug screens.

### **CONCLUSIONS OF LAW**

1. Findings of Fact Nos. 4 and 5 constitute a violation of §54.1-3007(3) and (6) of the Code of Virginia (1950), as amended ("Code").

2. Finding of Fact No. 4 constitutes a violation of Term No. 1 of the Board's Order.

### **CONSENT**

Michelle Mullins, C.N.A., 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 a formal hearing;

5. She admits to the Findings of Fact and Conclusions of Law contained herein and contained herein but 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 as a certified nurse aide 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:

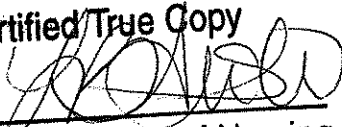
1. Certificate No. 1401-060048 of Michelle Mullins, C.N.A., is INDEFINITELY SUSPENDED.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Mullins shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a certified nurse aide. Ms. Mullins 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.
4. This suspension shall be STAYED upon proof of Ms. Mullins' re-entry into and compliance with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
  - a. Ms. Mullins 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 certificate of Ms. Mullins, and an administrative proceeding shall be held to determine whether her certificate shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
    - i. Ms. Mullins is not in compliance with the terms and conditions specified by the HPMP;
    - ii. Ms. Mullins' participation in the HPMP has been terminated;
    - iii. There is a pending investigation or unresolved allegation against Ms. Mullins involving a violation of law, regulation, or any term or condition of this order.
5. Michelle Mullins, C.N.A., is hereby REPRIMANDED.

6. Ms. Mullins shall maintain a course of conduct in her capacity as a certified nurse aide 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 upon request.

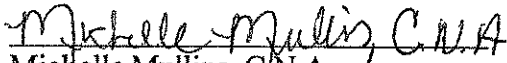
FOR THE BOARD

  
Patricia M. Selig, R.N., F.N.P., Ph.D.  
President, Virginia Board of Nursing

Certified True Copy  
By   
Virginia Board of Nursing

ENTERED: 11/14/12

SEEN AND AGREED TO:

  
Michelle Mullins, C.N.A.

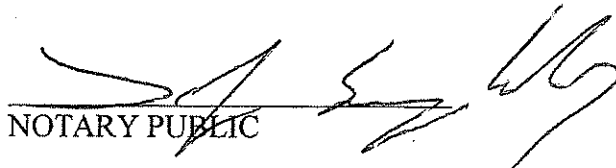
Jennifer Suzanne Conley  
Notary Public 7512147  
Commonwealth Of Virginia  
My Commission Expires 10/31/2015

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

Subscribed and sworn to before me, Jennifer Suzanne Conley, a Notary Public, this 13 day of September 2012.

My commission expires 10/31/2015.

Registration Number 7512147.

  
NOTARY PUBLIC