

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MICHELLE D. MULLINS, C.N.A., L.P.N. APPLICANT
License No.: 1401-060048**

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Michelle D. Mullins, C.N.A., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Mullins' application for licensure by examination to practice practical nursing in Virginia.

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

FINDINGS OF FACT

1. Michelle D. 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, 2012.
2. Ms. Mullins submitted an application for licensure by examination to practice practical nursing which was received by the Board on October 20, 2009. Ms. Mullins declared Virginia as her primary state of residence.
3. By Order of the Board ("Board's Order") entered May 27, 2010, Ms. Mullins' application for licensure by examination to practice practical nursing was approved. Ms. Mullins was required to successfully complete the NCLEX-PN examination, submit proof of completion of an online National Council of the State Boards of Nursing ("NCSBN") course entitled "Ethics in Nursing Practice," and submit proof of entry into the Health Practitioners Monitoring Program.
4. On November 23, 2010, during the course of her NCLEX-PN examination, Ms. Mullins violated the testing rules, by using her cellular telephone while on a break from the examination. By letter dated December 3, 2010, the NCSBN notified Ms. Mullins that the results of her examination would be

canceled. Ms. Mullins was given 60 days to appeal the NCSBN's decisions. On February 1, 2011, Ms. Mullins e-mailed the NCSBN, advising that she would not appeal their decision.

5. On July 5, 2010, Ms. Mullins entered into a Participation Contract with the HPMP. On June 3, 2011, Ms. Mullins missed a urine drug screen check-in, and on June 15, 2011, Ms. Mullins was placed on pre-dismissal status.

6. On July 7, 2011, Ms. Mullins' case manager with the HPMP notified the Board that Ms. Mullins has been compliant with her contract since being placed on pre-dismissal status.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(1) of the Code of Virginia (1950) as amended ("Code"), and 18 VAC 90-20-300(A)(1)(c) of the Regulations Governing the Practice of Nursing.

2. Otherwise, Ms. Mullins meets the requirement of § 54.1-3020 of the Code.

CONSENT

Michelle D. 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 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 application for licensure by examination to practice practical nursing in Virginia.

ORDER

WHEREFORE, it is hereby ORDERED that the application of Michelle D. Mullins for licensure by examination as a practical nurse is APPROVED once an application by repeat examination and the appropriate fees are received. Upon successful completion of the NCLEX-PN examination, Ms. Mullins shall be issued a license to practice as a practical nurse in the Commonwealth under the following terms and conditions:

1. Ms. Mullins shall continue to comply with all terms and conditions for the period specified by the HPMP, as required by the Board's Order entered May 27, 2010.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Mullins, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Mullins shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Mullins is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Mullins involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Mullins has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Mullins' participation in and compliance with the HPMP, the

Board, at its discretion, may waive Ms. Mullins' appearance before the Board and conduct an administrative review of this matter.

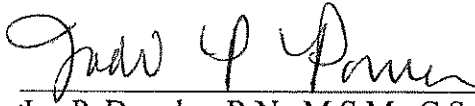
3. This Order is applicable to Ms. Mullin's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Mullins shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Mullins wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Mullins is hereby REPRIMANDED.

5. Ms. Mullins shall maintain a course of conduct in her capacity as a nurse aide and practical nurse 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


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

ENTERED: September 2, 2011

SEEN AND AGREED TO:

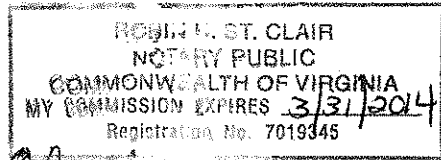
Michelle D. Mullins
Michelle D. Mullins, C.N.A.

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

Subscribed and sworn to before me, Robin H. St. Clair, a Notary Public, this 25th day of August, 2011.

My commission expires 3/31/2014.

Registration Number 7019345.



Robin H. St. Clair
NOTARY PUBLIC