

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MICHELLE R. DUNEVANT, R.N.
 License No.: 0001-167981**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on June 25, 2014, in Henrico County, Virginia. Michelle R. Dunevant, R.N., was not present, nor was she represented by legal counsel. Janet B. Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Dunevant was not present, nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Michelle R. Dunevant, R.N., was issued License No. 0001-167981 to practice professional nursing by the Virginia Board of Nursing on March 7, 2000. Said license expired on June 30, 2014. Her primary state of residence is Virginia.

2. By letter dated May 30, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Dunevant notifying her that an informal conference would be held on June 25, 2014. The Notice was sent by certified and first class mail to 6700 Inglewood Street, Richmond, Virginia 23230, the address of record on file with the Board of Nursing. The Notice was also sent to 4823 Adair Avenue, Richmond, Virginia 23230, a secondary address. The Notice sent by certified mail to the address of

record was returned to the Board marked, "RETURN TO SENDER ATTEMPTED – NOT KNOWN UNABLE TO FORWARD RETURN TO SENDER." However, the certified mail receipt for this mailing, containing an indecipherable signature, was received by the Board on June 16, 2014. The certified mail receipt for the Notice sent by certified mail to the secondary address was not returned to the Board. The first class mailings were also not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Dunevant, and the informal conference proceeded in her absence.

3. Ms. Dunevant suffers from mental health issues that require medication and/or treatment, as evidenced by her psychiatric admissions. When interviewed by an investigator with the Virginia Department of Health Professions on March 20, 2014, Ms. Dunevant stated that she was seen in the MCV ER in May, 2011, where she was given a diagnosis of adjustment disorder. She also stated that she was admitted to Bon Secours St. Mary's Hospital on temporary detention orders in June, 2011, and July, 2011. At both admissions, she was discharged with a diagnosis of bipolar with psychotic features. She further reported that in December, 2012, she was admitted to Riverside Behavioral Health for psychiatric treatment. Based on the final diagnosis, she was discharged with diagnoses of major depressive disorder, recurrent, this episode with psychosis, severe, and attention-deficit/hyperactivity disorder, combined type. Ms. Dunevant was again involuntarily hospitalized in January, 2014, at the Pavilion at Williamsburg Place, Williamsburg, Virginia, and was discharged with diagnoses of bipolar disorder, mixed with psychotic features.

4. Ms. Dunevant's treating psychiatrist during her hospitalization in January, 2014, found her to be a high risk due to her lack of acceptance of her diagnosis and her limited insight into the disease. He also stated that he believed that she was not safe to practice as a nurse, and that he had directed her not to practice until she received authorization from the Board of Nursing.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-167981 of Michelle R. Dunevant, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. At such time as Ms. Dunevant shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Dunevant 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.
5. This suspension shall be STAYED upon proof of Ms. Dunevant's entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Dunevant 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 license of Ms. Dunevant, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
 - i. Ms. Dunevant is not in compliance with the terms and conditions

specified by the HPMP;

- ii. Ms. Dunevant's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms.

Dunevant involving a violation of law, regulation, or any term or condition of this order.

6. This Order is applicable to Ms. Dunevant's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Dunevant 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 she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.


7. Ms. Dunevant shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

8. Upon receipt of evidence of Ms. Dunevant's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Dunevant's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

Since Ms. Dunevant failed to appear at the informal conference, this Order shall be considered final. Ms. Dunevant has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Dunevant has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite

300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Entered: October 2, 2014

Certified True Copy

By J. Robinson-Howers
Virginia Board of Nursing