

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MELISSA WEANT, R.N.
License No.: 0001-187120**

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 April 14, 2014 in Henrico County, Virginia, to inquire into evidence that Melissa Weant, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Weant was 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. Melissa Weant, R.N., was issued License No. 0001-187120 to practice professional nursing by the Virginia Board of Nursing on August 28, 2003. Said license is valid in Virginia only and is set to expire on September 30, 2015. Her primary state of residence is West Virginia.
2. By letter dated March 13, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Weant notifying her that an informal conference would be held on April 14, 2014. The Notice was sent by certified and first class mail to 1668 Rolling Lane, Harpers Ferry, West Virginia 25425, the address of record on file with the Board of Nursing.
3. During the course of her employment with Sentara Port Warwick Emergency Department, Newport News, Virginia, between October 2009 and January 2010, Ms. Weant diverted Dilaudid

(hydromorphone, Schedule II) from hospital supplies for her personal and unauthorized use. Her employment was terminated as a result of this diversion.

4. During the course of her employment with Kaiser Permanente, McLean, Virginia, between April and June 2013, Ms. Weant diverted Dilaudid for her personal and unauthorized use. She accomplished this diversion by withdrawing Dilaudid for patients who were not assigned to her unit, had not been checked in yet, or did not have orders for this medication, and by withdrawing larger amounts of Dilaudid than necessary for patients' ordered doses. Her employment was terminated as a result of this diversion.

5. During the investigation of her diversion of Dilaudid from Sentara Port Warwick in 2010, Ms. Weant entered into a contract with the Health Practitioners' Monitoring Program ("HPMP") in which she acknowledged chemical abuse. She was granted a stay of disciplinary action with the understanding that she would comply with the requirements of the HPMP. The stay of disciplinary action was vacated on July 9, 2013, following her admission of continued use of Dilaudid, which she was not prescribed. She was dismissed from HPMP on November 18, 2013, due to her continued use of Dilaudid, her failure to attend treatment as scheduled, and the difficulty of monitoring her because of her ongoing medical issues that were treated with pain medications.

6. Ms. Weant stated at the informal conference that she planned to re-enter intensive outpatient treatment through Inova CATS the next day. She stated that she attends three to four NA or AA meetings a week and has a sponsor. She stated that her date of sobriety was March 25, 2014. Her most recent relapse occurred because she had surgery in January 2014 and took prescribed Percocet. She expressed a willingness to re-enter the HPMP.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute violations of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Melissa Weant, R.N., 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 a formal fact finding hearing 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 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 professional nursing 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. License No. 0001-187120 of Melissa Weant, R.N. is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Weant 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 nursing. Ms. Weant 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 applies to any multistate privilege to practice professional nursing.

5. This suspension shall be STAYED upon proof of Ms. Weant's re-entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Weant shall comply with all terms and conditions of the HPMP 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. Weant, 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. She is not in compliance with the terms and conditions specified by the HPMP;

ii. Her participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against her involving a violation of law, regulation, or any term or condition of this order.

6. This Order is applicable to Ms. Weant's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Weant 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. Weant 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.

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

Jane Ingalls
Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: July 15, 2014

SEEN AND AGREED TO:

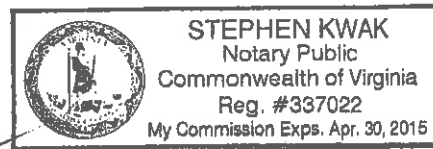
Melissa Weant RN
Melissa Weant, R.N.

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

Subscribed and sworn to before me, Stephen Kwak a Notary Public, this 22nd day of May, 2014.

My commission expires April 30, 2015.

Registration Number 337022.



Stephen Kwak
NOTARY PUBLIC

Certified True Copy

By Stephen Kwak
Virginia Board of Nursing