

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

MEGAN R. ROACH, L.P.N.

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on February 19, 2010, in Henrico County, Virginia, to inquire into evidence that Megan R. Roach, L.P.N., may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Corie E. Tillman Wolf, Assistant Attorney General. Ishneila G. Moore, Assistant Attorney General, was present as legal counsel for the Board. Ms. Roach was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

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

FINDINGS OF FACT

1. Megan R. Roach, L.P.N., was issued License No. 0002-073839 to practice practical nursing by the Virginia Board of Nursing on July 14, 2006. Said license expires May 31, 2010. Ms. Roach was issued Certificate No. 1401-089918 to practice as a nurse aide in the Commonwealth of Virginia on January 12, 2002. Said certificate expired January 31, 2008.

2. By her own admission, during the course of her employment with Berkshire Health and Rehabilitation Center ("Berkshire") in Vinton, Virginia, from July, 2008, until February, 2009, Ms. Roach, along with several other nurses at Berkshire, diverted approximately 480 Lortab (hydrocodone/acetaminophen, schedule III) tablets for their own personal and unauthorized use. Ms. Roach, in concert with the other nurses, accomplished this diversion by ordering unnecessary refill medications for residents at Berkshire, taking discontinued and wasted medications, and allowing one of the other nurses to

use her access code in order to divert medications. Ms. Roach and the other nurses then divided these medications. Ms. Roach also admitted to diverting a resident's Darvocet (propoxyphene/acetaminophen, schedule IV) and gave it to another nurse.

3. Ms. Roach was charged with two felonies in the Roanoke Circuit Court due to the diversion of Lortab and Darvocet at Berkshire. Ms. Roach pleaded nolo contendere to these charges, and on November 9, 2009, the Court took the charges under advisement for a period of 12 months.

4. Ms. Roach attended and successfully completed an intensive outpatient program at Central Virginia Community Services in Lynchburg, Virginia. She testified that she continues to attend weekly counseling sessions. She entered into a participation contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") on February 9, 2010. She further testified that her sobriety date is January 27, 2009.

5. Amanda Champney, Director of Nursing at Berkshire, testified that Ms. Roach is still a nurse employed by Berkshire, but that Berkshire placed Ms. Roach on personal leave beginning in February, 2010. The terms of Ms. Roach's nursing employment prior to her leave included her not passing narcotics to residents, her subjection to random drug screens and her required attendance at work. Ms. Champney testified that she is comfortable with Ms. Roach's continued employment at Berkshire as long as she follows the HPMP monitoring contract.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.
2. Ms. Roach is properly enrolled in the Health Practitioners' Monitoring Program ("HPMP").

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Megan R. Roach, L.P.N., is hereby REPRIMANDED.
2. License No. 0002-073839, issued to Megan R. Roach to practice practical nursing in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Roach 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 practical nursing. Ms. Roach 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 applies to any multistate privilege to practice practical nursing.
6. This suspension shall be STAYED upon the condition that she remain compliant with the terms of the Health Practitioners' Monitoring Program ("HPMP") and the following terms and conditions:
 - a. Ms. Roach 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, and an administrative proceeding shall be held to decide 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. Roach is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or
 - ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

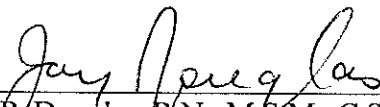
7. Upon receipt of evidence of Ms. Roach's participation in and successful completion of the terms specified by the HPMP, the Committee, at its discretion, may waive Ms. Roach's appearance before the Committee, and conduct an administrative review of this matter.

8. This Order shall be applicable to Ms. Roach's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Roach may 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.

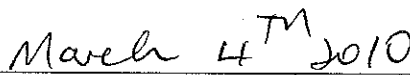
9. Ms. Roach shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 on request.

FOR THE BOARD



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



ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.