

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

MELINDA L. HAYES, R.N.

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 4, 2011, in Henrico County, Virginia, to inquire into evidence that Melinda L. Hayes, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Hayes 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. Melinda L. Hayes, R.N., was issued License No. 0001-156621 to practice professional nursing by the Virginia Board of Nursing on October 27, 1997. Said license is set to expire on June 30, 2012. Ms. Hayes was issued Certificate No. 1401-038810 to practice as a nurse aide on June 19, 1993, which expired on June 30, 1997. Her primary state of residence is Virginia.

2. By letter dated February 18, 2011, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Hayes notifying her that an informal conference would be held on April 4, 2011. The Notice was sent by certified and first class mail to 6857 Powhatan Drive, Hayes, Virginia 23072, the address of record on file with the Board of Nursing.

3. From April 8, 2010, through July 16, 2010, Ms. Hayes forged and presented multiple fraudulent prescriptions for oxycodone (Schedule II) and Vicodin (hydrocodone, Schedule III) for her

personal and unauthorized use, using a prescription pad that she stole from Cardiac Surgery Services. Ms. Hayes also gave fraudulent prescriptions to two of her friends to obtain medications for her. To date, no criminal charges have been filed against her. Ms. Hayes acknowledges having an opiate addiction and depression, for which she plans to seek treatment with a psychiatrist.

4. On September 2, 2010, Ms. Hayes entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"). Prior to entering the HPMP, she entered Suboxone (buprenorphine, Schedule III) therapy. By her own admission, Ms. Hayes relapsed with oxycodone and hydrocodone while in suboxone therapy. Further, on December 20, 2010, Ms. Hayes submitted a positive urine drug screen for alcohol.

5. In a compliance report dated March 23, 2011, the HPMP reported that Ms. Hayes is currently in compliance with the Recovery Monitoring Contract entered October 4, 2010. In January, 2011, she completed an intensive outpatient treatment program with the Gloucester Community Services Board and remains in the Relapse Prevention Program. She attends Alcoholics Anonymous/Narcotics Anonymous meetings and has a sponsor.

6. Ms. Hayes reported that she was diagnosed with Lupus in December, 2009, and she would like to see a rheumatologist. She also plans to seek treatment for her depression. She is currently unemployed.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (3), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Melinda L. Hayes, 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. Melinda L. Hayes, R.N., is hereby REPRIMANDED.
2. License No. 0001-156621 of Melinda L. Hayes, R.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Hayes 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. Hayes 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 professional nursing.

6. This suspension shall be STAYED contingent upon verification of her continued compliance with the HPMP. Thereafter, the following terms and conditions shall apply:

a. Ms. Hayes 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 Melinda L. Hayes, R.N., 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. Hayes is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Hayes's participation in the HPMP has been terminated;

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

7. Upon receipt of evidence of Ms. Hayes' participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Hayes' appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

8. This Order is applicable to Ms. Hayes' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Hayes 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.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Consent 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
Patricia M. Selig, R.N., F.N.P., Ph.D.
President, Virginia Board of Nursing

ENTERED: 5-17-11

SEEN AND AGREED TO:

Melinda L. Hayes, R.N.
Melinda L. Hayes, R.N.

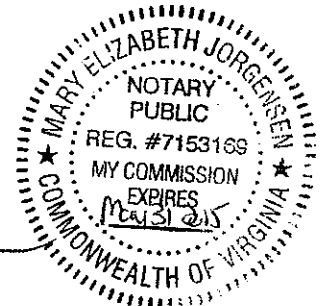
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Gloucester, TO WIT:

Subscribed and sworn to before me, Mary Elizabeth Jorgensen, a Notary Public, this 5 day of May, 2011.

My commission expires May 31, 2015.

Registration Number 7153169.

Mary Elizabeth Jorgensen
NOTARY PUBLIC



Certified True Copy

By Dr. Graham
Virginia Board of Nursing