

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MEGAN GARRETT, C.N.A.
Certificate No.: 1401-155615

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 January 30, 2014, in Henrico County, Virginia, to inquire into evidence that Megan Garrett, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Garrett 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 Garrett, C.N.A., was issued Certificate No. 1401-155615 to practice as a nurse aide in the Commonwealth of Virginia on September 13, 2012. Said certificate expires on September 30, 2014.
2. By her own admission, Ms. Garrett has been hospitalized approximately 20 times, to include admissions to Snowden at Fredericksburg, Fredericksburg, Virginia, and Virginia Treatment Center for Children, Richmond, Virginia, for mental illness.
3. From January 25, 2013, until January 28, 2013, Ms. Garrett received inpatient treatment at St. Mary's Hospital, Richmond, Virginia, following self injurious behavior. While there, Ms. Garrett was diagnosed with adjustment disorder with depressed and anxious mood, self injurious behavior with superficial lacerations, and borderline personality, severe and chronic.

4. On February 28, 2013, Ms. Garrett was admitted to Spotsylvania Hospital, Fredericksburg, Virginia, following an incident where she cut herself and could not stop the bleeding. Following that admission, Ms. Garrett was transferred to Brandon House for continued care until March 22, 2013.

5. On March 27, 2013, during an assessment with Prince William County Community Services Board, Ms. Garrett admitted to abusing pain medication, bingeing and purging approximately five to ten times a day and cutting herself in response to stress.

6. On her application for certification by endorsement to practice as a nurse aide, which was received by the Board on September 12, 2012, Ms. Garrett answered "NO" to the question "Do you have a mental, physical, or chemical dependency condition which could interfere with your current ability to practice as a certified nurse aide?" when, in fact, she admitted that she suffers from mental illness and substance abuse as evidenced above.

7. Throughout the discussion of her mental health records, Ms. Garrett testified that the medical records contained in the evidence were all incorrect and that she did not know why a provider would inaccurately record her treatment. She further stated that she experimented with substances but has never abused them. She intimated that the medical records admitted into evidence misconstrued what had occurred when she went to the physicians.

8. Ms. Garrett stated that she would be willing to bring documentation from mental health providers regarding her current mental health state, but she did not bring any evidence to the hearing. She also did not offer any witnesses to confirm her statements.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 2 through 5 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides.

ORDER

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

1. Certificate No. 1401-155615 issued to Megan Garrett, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.
2. The certificate of Ms. Garrett will be recorded as SUSPENDED. Should Ms. Garrett seek reinstatement of her certificate consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her certificate privilege prior to issuance of her certificate to resume practice.
3. At such time as Ms. Garrett shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice as a nurse aide.
4. Certificate No. 1401-155615 issued to Ms. Garrett to practice as a in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon proof that Ms. Garrett has entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:
 - a. Ms. Garrett 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 certificate of Ms. Garrett, and an administrative proceeding shall be held to decide whether her certificate shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
 - i. Ms. Garrett is not in compliance with the terms and conditions specified by the

HPMP, or has been terminated from participation in the HPMP, or

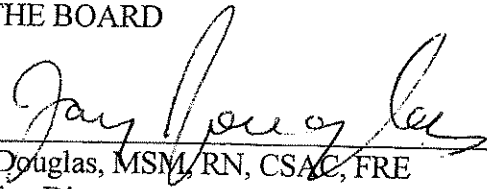
ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

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

6. Ms. Garrett shall maintain a course of conduct in her capacity as a certified nurse aide 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, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

February 19th, 2014

ENTERED

Certified True Copy

By A. Graham
Virginia Board of Nursing

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, Henrico, 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.