

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           MICHELLE DANIELS, R.N.**  
**License No.: 0001-150265**

**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 November 13, 2013, in Henrico County, Virginia. Michelle Daniels, R.N., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Daniels 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 Daniels, R.N., was issued License No. 0001-150265 to practice as a professional nurse in Virginia on August 13, 1996. The license with multistate privileges is scheduled to expire on February 28, 2015. Her primary state of residence is Virginia.

2. By letter dated October 16, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Daniels notifying her that an informal conference would be held on November 13, 2013. The Notice was sent by certified and first class mail to 4652 River Road West, Goochland, Virginia 23060, the address of record on file with the Board of Nursing. The certified mail

was returned to the Board's office marked, "return to sender; unable to forward." The first class mail was not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Daniels and the informal conference proceeded in her absence.

3. On March 8, 2013, by Order of Immediate Temporary Suspension, the Kentucky Board of Nursing ("Kentucky Board") suspended Ms. Daniels' multi-state privilege to practice professional nursing in Kentucky until she complied with the Kentucky Board's Order entered on January 18, 2013, which required her to submit to a chemical dependency evaluation. The January 18, 2013, Order was based on findings that a patient alleged that Ms. Daniels documented administering oxycontin (Schedule II), when, in fact, she did not do so. The Kentucky Board also found that she asked a co-worker to sign a narcotic sheet falsely attesting to witnessing her wasting of controlled substances.

4. During the course of her employment with Kindred Care & Transitional Healthcare-Rosewood, Bowling Green, Kentucky, from October 10, 2011, to April 6, 2012, Ms. Daniels practiced professional nursing with an expired license. Her professional nursing license in Virginia expired on February 28, 2011, and she renewed the license on June 21, 2012.

5. Ms. Daniels failed to list Nurse Advantage, Chesterfield, Virginia, where her employment was terminated on January 3, 2010, for failing to pass a drug screen, in the employment history section of the following employment applications:

a. Her employment application dated August 8, 2012, for Bowling Green Nursing and Rehabilitation Center, Bowling Green, Kentucky.

b. Her employment application dated August 18, 2011, for Kindred Care & Transitional Healthcare-Rosewood.

c. Her employment application dated September 23, 2010, for Bon Secours Health System, Richmond Community Hospital, Richmond, Virginia.

6. Ms Daniels failed to respond the Department of Health Professions investigator's attempts to contact her. In addition to being terminated from Nurse Advantage for a failing to pass a drug test, Ms. Daniels was terminated from Kindred Care & Transitional Healthcare-Rosewood for failing to provide proof of holding a professional nursing license. She was also employed with and terminated from the Bon Secours Health System. She was also employed with Prison Health Services, Troy, Virginia, and although she was not terminated, she is not eligible for rehire.

### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(3) and 54.1-3008(A)(2) of the Code.
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.

### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Michelle Daniels, R.N., is hereby REPRIMANDED.
2. License No. 0001-150265 of Michelle Daniels, R.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Daniels shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she demonstrates evidence that she has complied with the Kentucky Board's Order, and whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Daniels 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.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Daniels failed to appear at the informal conference, this Order shall be considered final. Ms. Daniels 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. Daniels 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

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

Entered: Feb 7, 2014