

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       ERICA MONTEGUT, R.N.  
              License No.: 0001-209026**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(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. Erica Montegut, R.N., was not present and was not 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. Montegut 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. Erica Montegut, R.N., was issued License No. 0001-209026 to practice professional nursing by the Virginia Board of Nursing on August 27, 2007. Said license expired on September 30, 2012. Ms. Montegut also holds a license to practice professional nursing in Florida that is expired. Her primary state of residence is Virginia.

2. By letter dated October 15, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Montegut notifying her that an informal conference would be held on November 13, 2013. The Notice was sent by certified and first class mail to 18 Maney Drive, Newport

News, Virginia 23605, the address of record on file with the Board of Nursing. The certified was returned to the Board's office marked "return to sender; unclaimed." The first class mail was not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Montegut and the informal conference proceeded in her absence.

3. By Order entered December 22, 2011 ("Board's Order"), the Board took no action against Ms. Montegut contingent upon her re-entry into the Health Practitioners' Monitoring Program ("HPMP") within 30 days of entry of the Board's Order and compliance with all terms and conditions of the HPMP for the period specified by the HPMP. This Order was based on findings that Ms. Montegut was unable to safely practice nursing due to substance abuse.

4. Ms. Montegut entered into a Participation Contract with the HPMP on February 27, 2012. She entered into a Recovery Monitoring Contract on July 16, 2012.

5. Ms. Montegut was dismissed from the HPMP on March 12, 2013, for noncompliance with her contract. Specifically, she continued to use opiates, failed to enter and complete treatment as recommended, and failed to comply with the urine toxicology screening program.

6. Ms. Montegut filled 58 prescriptions for narcotics, which were not authorized by HPMP, in the 10 months prior to her dismissal from HPMP, and she stopped calling the toxicology screen phone line. Ms. Montegut failed to respond to the Department of Health Professions investigator's attempts to contact her by phone and mail.

#### **CONCLUSIONS OF LAW**

Finding of Fact No. 5 constitutes a violation of Term No. 2 of the Board's Order entered December 22, 2011, and § 54.1-3007(6) of the Code.

**ORDER**


WHEREFORE, it is hereby ORDERED as follows:

1. Erica Montegut, R.N., is hereby REPRIMANDED.
2. The right of Ms. Montegut to renew License No. 0001-209026 is INDEFINITELY SUSPENDED for a period of not less than two years.
3. The license will be recorded as suspended.
4. At such time as Ms. Montegut 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. Montegut 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.

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

  
for 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