

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on December 6, 2011, in Henrico County, Virginia, to inquire into evidence that Erica Montegut, R.N., may have violated certain laws governing nursing practice in Virginia. Ms. Montegut was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Erica Montegut, R.N., was issued License No. 0001-209026 to practice professional nursing in the Commonwealth of Virginia on August 27, 2007. Said license expires on September 30, 2012. Ms. Montegut’s primary state of residence is Virginia.

2. By letter dated September 2, 2011, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Montegut notifying her that an informal conference would be held on October 4, 2011. The Notice was sent by certified and first class mail to 306 Vivian Court, Yorktown, Virginia 23690, the address of record on file with the Board of Nursing. The Notice was also sent to 11931 Jefferson Avenue, Newport News, Virginia 23606, a secondary address. By letter dated September 27, 2011, Ms. Montegut requested a continuance, which was granted by the Committee chair.

3. Ms. Montegut has a history of substance abuse. Ms. Montegut began drinking excessively to cope with personal issues, which she stated have now been resolved.

4. Ms. Montegut stated that she is no longer prescribed any medication. Although she was diagnosed with depression, Ms. Montegut's physician deemed her depression as situational.

5. Ms. Montegut stated that she attends four or five Narcotics Anonymous meetings a week, and has a sponsor. Ms. Montegut reports that her date of sobriety is July 23, 2011.

6. Ms. Montegut stated that she voluntarily entered the Health Practitioners' Monitoring Program ("HPMP") and signed a Participation Contract on July 20, 2011. Ms. Montegut subsequently resigned due lack of income.

7. Ms. Montegut stated that she is employed in an accounting position and wants to re-enter the HPMP.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of 54.1-3007(6) of the Code.
2. Based on the above Findings of Fact, the Committee concludes that Ms. Montegut is a candidate for the HPMP.

ORDER

On the basis of the foregoing, the Committee shall TAKE NO ACTION at this time, contingent upon Erica Montegut, R.N.'s compliance with the following terms and conditions:

1. Ms. Montegut shall re-enter into the HPMP and shall have proof of entry into a Contract with the HPMP provided to the Board within 30 days of the date this Order is entered.
2. Thereafter, Ms. Montegut shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Montegut, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Montegut shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Montegut has failed to make application to the HPMP;
- b. Ms. Montegut is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against Ms. Montegut involving a violation of law or regulation or any term or condition of this Order; or
- d. Ms. Montegut has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Montegut's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Montegut's appearance before the Board and conduct an administrative review of this matter.

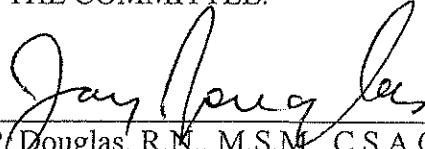
4. This order shall be applicable to Ms. Montegut's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Montegut shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Montegut wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

5. Ms. Montegut shall maintain a course of conduct in her capacity as a professional 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Montegut may, not later than 5:00 p.m., on January 24, 2012, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:



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

ENTERED: December 22nd, 2011

This Order shall become final on January 24, 2012 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing