

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KELLY METTEE, L.P.N.
 License No.: 0002-079471**

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 July 30, 2013, in Henrico County, Virginia. Kelly Mettee, L.P.N., was present and was not represented by legal counsel. Janet Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 18, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Mettee 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. Kelly Mettee, L.P.N., was issued License No. 0002-079471 to practice practical nursing in Virginia on November 18, 2008. The license is scheduled to expire on April 30, 2015. Her primary state of residence is Virginia.
2. By letter dated July 2, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Mettee notifying her that an informal conference would be held on July 30, 2013. The Notice was sent by certified and first class mail to 14016 James Madison Highway, Orange, Virginia 22960, the address of record on file with the Board of Nursing.
3. During the course of her employment with Maxim Healthcare Services, Charlottesville, Virginia:

a. On November 27, 2012, by her own admission, Ms. Mettee forged a doctor's note and presented it to her employer to excuse an absence. At the informal conference, she explained she did so because she was unable to afford a physician's visit at the time.

b. In July 2012, Ms. Mettee entered into a personal, non-therapeutic relationship with the father of one of her patients.

4. Ms. Mettee acknowledged at the informal conference that she did have a personal relationship with her patient's father, with whom the patient resided. However, she denied that the relationship began until after her patient assignment was transferred, at her request, when she realized that she was developing romantic feelings for the father. However, a representative of Maxim stated in the complaint to the Department of Health Professions that Ms. Mettee's relationship with her patient's father was first brought to Maxim's attention by the patient's mother, and that the father first admitted the relationship and then recanted. The complaint further noted that Maxim removed Ms. Mettee from this patient's care and placed her on another case. Ms. Mettee stated at the informal conference that she and the patient's father were married in May 2013.

5. Ms. Mettee's employment with Maxim, which began in April 2012, was terminated in November 2012 as a result of the above incidents.

6. On the application for employment with Maxim, dated March 29, 2012, Ms. Mettee indicated that her reason for leaving Ruxton Health Care/Envoy at the Meadows, Goochland, Virginia, was "wanted change," when, in fact, her employment with Ruxton was terminated on October 10, 2010, for failing to properly document the administration of narcotics.

7. On an application for employment with Armor Correctional Health Services, dated August 24, 2011, Ms. Mettee indicated that her reason for leaving Ruxton Health Care/Envoy at the Meadows was "needing a change," when, in fact, her employment with Ruxton was terminated as indicated above.

8. On an application for employment with the Arc of the Piedmont, dated September 10,

2012, when asked to list all prior employers, Ms. Mettee omitted her employment with Armor and Ruxton.

9. Ms. Mettee has had four employers since she obtained her nursing license in 2008. Three of those positions ended in termination. Ms. Mettee stated at the informal conference that she was not currently working.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a), 6, 7, and 8 constitute violations of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(l) of the Regulations.

ORDER

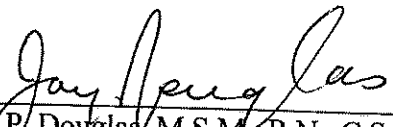
WHEREFORE, it is hereby ORDERED as follows:

1. Kelly Mettee, L.P.N., is hereby REPRIMANDED.
2. Ms. Mettee shall provide the Board with verification that she has completed the following four courses within 60 days of the entry of this Order: *Professional Accountability and Legal Liability for Nurses, Respecting Professional Boundaries, Ethics of Nursing Practice, and Righting a Wrong: Ethics and Professionalism in Nursing.*
3. Ms. Mettee shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Mettee and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Mettee may, not later than 5:00 p.m., on November 11, 2013, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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 BOARD:

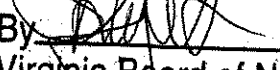


Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: October 8th, 2013

This Order shall become final on November 11, 2013 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing