

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: EILEEN MASSIMINO, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-049909

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 August 28, 2013, in Henrico County, Virginia, to receive and act upon Eileen Massimino's application for reinstatement of her license to practice practical nursing in Virginia and to inquire into evidence that Ms. Massimino may have violated certain laws and regulations governing nursing practice. Ms. Massimino was not present and was not represented by legal counsel.

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

FINDINGS OF FACT

1. Eileen Massimino, L.P.N., was issued License No. 0002-049909 to practice practical nursing in the Commonwealth of Virginia on September 7, 1994. Said license was suspended by Order of the Board entered on April 3, 2009. Her primary state of residence is Virginia.

2. By letter dated July 31, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Massimino notifying her that an informal conference would be held on August 28, 2013. The Notice was sent by certified and first class mail to 881 Crabneck Road, Hudgins, Virginia 23076, the address of record on file with the Board of Nursing. Neither the certified mail nor the first class mail had been returned to the Board office as of the date of the informal conference. The Committee Chair concluded that adequate notice was provided to Ms. Massimino and the informal conference proceeded in her absence.

3. Ms. Massimino submitted an application for reinstatement of her license to practice practical nursing which was received by the Board on April 2, 2013.

4. Ms. Massimino is unable to safely practice nursing due to her admitted history of substance abuse. She was discharged from her last substance abuse treatment program, which was opioid replacement therapy at the Hampton-Newport News Community Services Board, in December 2009 for failing to comply with program requirements.

5. On July 7, 2011, in the Circuit Court for the City of Newport News, Virginia, Ms. Massimino was convicted of possession of heroin, a felony.

6. During the course of her employment with Golden Living Center – Bayside, Poquoson, Virginia:

a. In December 2008, by her own admission, Ms. Massimino diverted a tablet of Ambien (zolpidem tartrate, Schedule IV) from patient supplies for her own personal and unauthorized use.

b. On January 19, 2009, Ms. Massimino reported for her shift in an intoxicated condition after having consumed a combination of medications including Vicodin (hydrocodone combination product, Schedule III) and Lunesta (eszopiclone, Schedule IV). She exhibited slurred speech, an unsteady gait, sleepiness, and bizarre behavior.

7. On July 21, 2011, in the Circuit Court of the City of Chesapeake, Virginia, Ms. Massimino was convicted of the following four felony offenses: two counts of grand larceny, and two counts of larceny with the intent to sell or distribute.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(4) and (6) of the Code.

3. Finding of Fact No. 6(a) constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.
4. Finding of Fact No. 6(b) constitutes a violation of § 54.1-3007(5) and (6) of the Code.
5. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(4) of the Code.
6. The Committee concludes that Ms. Massimino has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

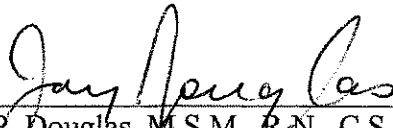
ORDER

On the basis of the foregoing, the Committee hereby ORDERS that the application of Eileen Massimino for reinstatement of her license to practice practical nursing in Virginia is DENIED.

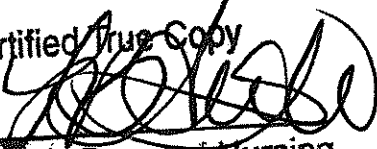
Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Massimino may, not later than 5:00 p.m., on **October 15, 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 COMMITTEE:



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

Certified True Copy
By 
Virginia Board of Nursing

ENTERED: September 9th, 2013

This Order shall become final on **October 15, 2013**, unless a request for a formal administrative hearing is received as described above.