

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**DIANA MINNIX, R.N.
LICENSE NO.: 0001-183492**

ORDER

Pursuant to §§2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on November 16, 2011 in Henrico County, Virginia, to inquire into evidence that Diana Minnix, R.N., may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on November 25, 2008, and to receive and act upon Ms. Minnix's petition for modification of the terms and conditions of probation as set forth in the aforementioned Order. The case was presented by Olivia Exterovich, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Minnix was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Diana Minnix, R.N., was issued License No. 0001-183492 to practice professional nursing in the Commonwealth of Virginia on January 28, 2001. Said license is set to expire on August 31, 2012. Her primary state of residence is Virginia.

2. By Order entered on November 25, 2008, the Virginia Board of Nursing took action regarding Diana Minnix, R.N., to include reprimanding her and placing her on probation for a period of not less than three years of employment as a professional nurse. This action was based on the Board's Findings that Ms.

Minnix entered into a plea agreement whereby charges of attempted carnal knowledge of an inmate would be ordered *nolle prosequi* should she satisfactorily complete her court ordered probation.

3. On February 3, 2010, Ms. Minnix's criminal charges were ordered *nolle prosequi* in the Circuit Court of Lunenburg County, Virginia.

4. Ms. Minnix began professional nursing employment with Community Memorial Healthcenter, South Hill, Virginia, on March 15, 2010.

5. Ms. Minnix violated Term No. 2 of the Board's Order, which required her to inform the Board in writing within ten days of any changes or interruptions in her nursing practice, in that Ms. Minnix failed to notify the Board within ten days of her medical leave from her employment with Community Memorial Healthcenter, South Hill, Virginia, which began on or about July 7, 2010.

6. Ms. Minnix violated Term No. 4 of the Board's Order, which required quarterly performance evaluations, in that after she began employment with Community Memorial Healthcenter on or about March 15, 2010, she failed to ensure that performance evaluations were received by the Board in a timely manner. Specifically, the evaluation for the period ending March 31, 2010, was received by the Board on April 13, 2010. The evaluation for the period ending June 30, 2010, was received on July 14, 2010.

7. Ms. Minnix violated Term No. 6 of the Board's Order, which required her to continue in therapy with a certified sex offender therapist, comply with any recommendations of the therapist, and have written quarterly progress reports submitted to the Board until the time Ms. Minnix was discharged from therapy, in that the progress reports for the periods ending January 25, 2009, June 30, 2009, September 30, 2009, and December 31, 2009, were not received by the Board. Ms. Minnix has been discharged for completion of her therapy as was required by Term No. 6 of the Board Order.

8. Ms. Minnix violated Term No. 7 of the Board's Order, which required her to request that her court-appointed probation officer provide the Board with a written report describing how she was meeting the conditions of her probation within 60 days from the date the Board's Order was entered, in that the report

was due on January 25, 2009, but it was not received by the Board until March 16, 2009.

9. Ms. Minnix violated Term No. 9 of the Board's Order, which required her to provide all current and future treating practitioners with a complete copy of the Board's Order, in that she did not provide a complete copy of the Board Order to one of her treating practitioners, John Carrozella, M.D.

10. Ms. Minnix violated Term No. 10 of the Board's Order, which required her to provide quarterly self-reports, in that her reports were not received in a timely manner. Specifically, the majority of Ms. Minnix's self-reports were received either late or early.

11. Ms. Minnix has completed at least 18 months of structured, supervised employment in an approved setting.

12. Ms. Minnix has completed her court-ordered probation.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact Nos. 5 through 10 are violations of the Board's Order entered November 25, 2008.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Diana Minnix, R.N., is REPRIMANDED. It is further ORDERED that Diana Minnix, R.N., is hereby CONTINUED on INDEFINITE PROBATION for not less than three years of actual nursing employment as specified in the Board Order entered November 25, 2008, subject to the following terms and conditions:

1. Diana Minnix, R.N., shall complete the three years of supervised probation begun on March 15, 2010. After three years of active employment as a professional nurse, Ms. Minnix may request that the Board end this probation.

2. Diana Minnix, R.N., shall have an evaluation by a mental health specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within 60 days after the date that this Order

is entered. Ms. Minnix shall comply with all recommendations of the mental health provider. Upon receipt of the required information, the Board may request that Ms. Minnix appear before a Special Conference Committee in order to consider the specialist's recommendations and to make a final disposition of the matter.

3. Ms. Minnix shall continue to comply with Term No. 2 of the Board's Order entered November 25, 2008, in that she shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Minnix shall provide the name and address of each employer to the Board.

4. Ms. Minnix shall continue to comply with Term No. 3 of the Board's Order entered November 25, 2008, in that she shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Minnix is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

5. Ms. Minnix shall continue to comply with Term No. 4 of the Board's Order entered November 25, 2008, in that Performance Evaluations shall be provided quarterly, at the direction of Ms. Minnix, by all nursing employer(s), as provided by the Compliance Division.

6. Ms. Minnix shall continue to comply with Term No. 5 of the Board's Order entered November 25, 2008, in that she shall practice nursing only in a structured, supervised employment setting satisfactory to the Board, for the first three years after being placed on probation. This employment setting shall provide on-site supervision by a professional nurse, who works the same shift, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Minnix shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

7. Ms. Minnix shall continue to comply with Term No. 9 of the Board's Order entered

November 25, 2008, in that she shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

8. Ms. Minnix shall continue to comply with Term No. 10 of the Board's Order entered November 25, 2008, in that she shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

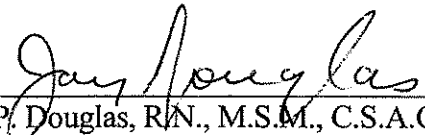
9. Ms. Minnix shall continue to comply with Term No. 13 of the Board's Order entered November 25, 2008, in that this Order shall be applicable to Ms. Minnix's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Minnix may not work outside of 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 she wishes to work.

10. Diana Minnix, R.N., 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.

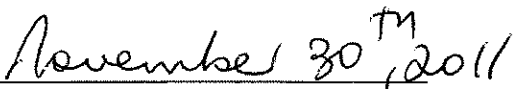
11. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Diana Minnix, R.N., and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

FOR THE BOARD



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



ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.