

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

DIANA C. MINNIX, R.N.

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 19, 2008, in Henrico County, Virginia, to inquire into evidence that Diana C. Minnix, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, 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 C. Minnix, R.N., was issued License No. 0001-183492 to practice professional nursing in the Commonwealth of Virginia on January 28, 2003. Said license expires on August 31, 2010.
2. During the course of her employment at Lunenburg Correctional Center, Victoria, Virginia, between spring of 2006 and February, 2007, Ms. Minnix engaged in a romantic relationship and had sexual contact with an inmate, and transferred funds to the inmate's account.
3. On December 4, 2007, in the Circuit Court of Lunenburg County, Virginia, Ms. Minnix entered into a plea agreement whereby charges of attempted carnal knowledge of an inmate, a felony, would be deferred until December 2009, and would thereafter be nolle prosequi should she satisfactorily complete her court ordered probation. On March 17, 2008, a search of Ms. Minnix' residence revealed that she had

maintained contact with the inmate. A hearing was held on September 15, 2008, for violation of the terms of probation resulting in a finding that there was sufficient evidence of guilt. Ms. Minnix' supervised probation was extended until December 7, 2009, and she was ordered to continue counseling as directed by her probation officer.

4. In February 2007, Ms. Minnix admitted to the Department of Corrections investigator that she had inappropriate relationships with inmates at Nottoway Correctional Center, where she was employed from June 1, 1992, through December 26, 1994.

5. Beginning in November 2007, Ms. Minnix has been in bi-monthly counseling with a certified sex offender therapist. Ms. Minnix testified that it was not until her residence was searched on March 17, 2008, and just before the probation violation hearing, that she first advised her therapist of her continued relationship with the inmate. Ms. Minnix testified that she is currently employed in a nursing position in a community hospital providing care to both sexes notwithstanding her therapist's recommendations that Ms. Minnix not provide care to male patients. Ms. Minnix' actions and testimony demonstrate a lack of appreciation of the dynamics of her behavior.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(j) and (l) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Diana C. Minnix, R.N., is REPRIMANDED. It is further ORDERED that Ms. Minnix shall be placed on INDEFINITE PROBATION for a period of not less than three (3) years of actual nursing practice and subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After three years of active employment as a professional nurse, Ms. Minnix may request that the Board end this probation.

2. Ms. Minnix shall inform the Board in writing within ten (10) 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.

3. Ms. Minnix 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.

4. Performance Evaluations shall be provided quarterly, at the direction of Ms. Minnix, by all nursing employer(s), as provided by the Compliance Division.

5. Ms. Minnix shall practice nursing only in a structured, supervised employment setting satisfactory to the certified sex offender therapist and the Board, for the first three (3) 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.

6. Ms. Minnix shall continue in therapy with a certified sex offender therapist and comply with any recommendations of the therapist. Written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Minnix is discharged from therapy. Ms. Minnix shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

7. Ms. Minnix shall request her court appointed probation officer to provide the Board with a written report describing how she is meeting the conditions of her probation within sixty (60) days from the date this Order is entered.

8. Ms. Minnix shall provide the Board with a certified true copy of her final court order placed on record by the Court upon completion of her probation.

9. Ms. Minnix 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.

10. Ms. Minnix 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 sixty (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.

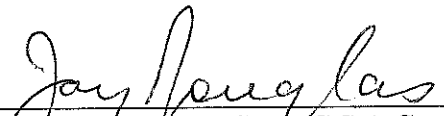
11. Ms. Minnix shall return all copies of her license to practice as a professional nurse to the Board office within ten (10) days of the date of entry of this Order, along with a payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms".

12. This Order shall be applicable to Ms. Minnix' 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.

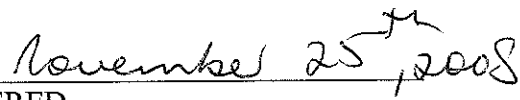
13. Ms. Minnix shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

FOR THE BOARD



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



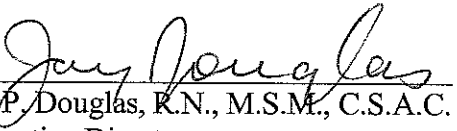
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NOTICE OF RIGHT TO APPEAL

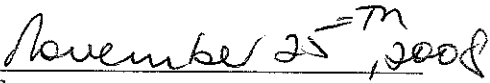
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, 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.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to Diana C. Minnix, R.N., at 2514 Main Street, Victoria, Virginia 23974.



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



DATE