

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELISSA ANN MOTTESHEARD, R.N.
License Number: 0001-242550
Case Number: 170193

RATIFICATION AND ORDER


On November 16, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Melissa Ann Mottesheard, R.N., was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, 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 Virginia Code § 54.1-2400(10), Ms. Mottesheard may, not later than 5:00 p.m., on January 8, 2017, 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



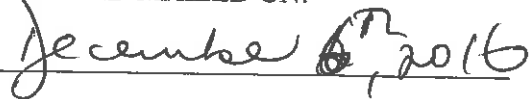
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Certified True Copy

By 

Virginia Board of Nursing

ENTERED AND MAILED ON:



December 6, 2016

This Order shall become final on January 8, 2017, unless a request for a formal administrative hearing is received as described above.

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELISSA ANN MOTTESHEARD, R.N.
License Number: 0001-242550
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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on September 7, 2016 in Henrico County, Virginia, to inquire into evidence that Melissa Ann Mottesheard, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Mottesheard appeared at this proceeding and was represented by Margaret Hardy, Esquire.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated May 11, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Mottesheard notifying her that an informal conference would be held on June 9, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. Ms. Mottesheard requested and was granted a continuance. By letter dated July 28, 2016, the Board sent an Amended Notice of Informal Conference (“Amended Notice”) to Ms. Mottesheard notifying her that an informal conference would be held on September 7, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Recommended Findings of Fact and Conclusions of Law

1. Melissa Ann Mottesheard, R.N., was issued License Number 0001-242550 to practice professional nursing on January 29, 2013, which is scheduled to expire on February 28, 2018. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. Melissa Ann Mottesheard, R.N. violated Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”) in that during the course of her employment with Johnston Willis Hospital, Richmond, Virginia, she diverted diazepam (C-IV), oxycodone (C-II), hydrocodone (C-II), morphine (C-II), Dilaudid (hydromorphone, C-II) and Percocet (oxycodone, C-II) for her own personal and unauthorized use, and falsified patient records, as evidenced by the following:
 - a. On August 28, 2015, Ms. Mottesheard withdrew two oxycodone acetaminophen 5-325 mg tablets and one diazepam 5mg tablet from the Pyxis for Patient A at 14:10. Patient A had departed the ER at 13:30. Ms. Mottesheard documented administering the medications at 14:18. Ms. Mottesheard later amended the administration time to 13:30, which is 40 minutes prior to the time the medication was actually pulled.
 - b. On September 29, 2015, Ms. Mottesheard withdrew 10mg of diazepam 5mg/ml (2ml syringe) for Patient B, who was suffering from a migraine, and documented the administration of 5mg and the wastage of 5mg. Patient B reported that she was not given the medication.
 - c. On October 11, 2015, Ms. Mottesheard withdrew a 10mg/2ml syringe of diazepam for Patient C at 16:00. After documenting administering 5mg to Patient C, Ms. Mottesheard falsified the wastage of 5mg of the diazepam by dropping something other than the vial into the waste

container in the presence of another nurse. Ms. Mottesheard was observed dropping a vial of diazepam in the sharps box in the triage area, and exiting the building to the parking lot.

d. Between July 3, 2015 and October 9, 2015, there were 14 occasions where Ms. Mottesheard pulled medications from Pyxis at or near the time the patient left the ER. For example:

i. On July 3, 2015 Ms. Mottesheard pulled a 7.5mg/325mg tablet of hydrocodone at 18:46 for a patient who departed at 18:46.

ii. On September 5, 2015 Ms. Mottesheard pulled a 5mg/325mg tablet of oxycodone at 17:59 for a patient who departed at 18:00.

e. Between August 27, 2015 and October 4, 2015 there were four instances where Ms. Mottesheard wasted full syringes of medications. For example, on October 4, 2015 Ms. Mottesheard pulled two 2mg syringes of hydromorphone at 07:38 for a 1.5mg order and wasted one full syringe and one partial syringe.

f. In an interview with the Department of Health Professions investigator, Ms. Mottesheard admitted to diverting waste opiates from the hospital for her own personal use prior to June 2, 2015.

3. Ms. Mottesheard stated at the informal conference that Johnston Willis Hospital encouraged administering medications and then discharging the patient.

4. Melissa Ann Mottesheard, R.N. violated Virginia Code § 54.1-3007(5) and (6) in that during the course of her employment with Johnston Willis Hospital, Richmond, Virginia, she was impaired while on duty, as evidenced by the following:

a. On October 9, 2015, Ms. Mottesheard approached two doctors and a nurse practitioner, none of whom was her provider, about refilling a personal prescription for Valium (diazepam, C-IV) which Ms. Mottesheard had run out of early. Ms. Mottesheard complained of a

headache and was observed to be extremely cranky and moody, and frantic about getting her prescription filled.

b. On October 11, 2015, hospital staff observed that Ms. Mottesheard was impaired in that she was confused, her eyes were half closed, she was crying and she was unsteady on her feet.

c. On October 11, 2015, a search of Ms. Mottesheard's purse, pursuant to a hospital investigation into possible diversion, revealed that eight 0.5mg Xanax (alprazolam, C-IV) tablets were mixed in with a prescription bottle for Propranolol. Ms. Mottesheard said she did not know where the Xanax came from.

5. Ms. Mottesheard violated Virginia Code § 54.1-3007(6) in that she has been diagnosed with drug addiction, and has admitted to the longstanding abuse of numerous drugs.

a. On December 14, 2015, Ms. Mottesheard signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") based upon her multiple drug abuse and prior treatment. She agreed to abstain from alcohol and drugs.

b. On February 1, 2016, Ms. Mottesheard was non-compliant with her contract with the HPMP in that she tested positive for Xanax.

c. On May 17, 2016, Ms. Mottesheard admitted to her HPMP case manager that she consumed Percocet on May 16, 2016, which was given to her by a friend.

d. On July 15, 2016, Ms. Mottesheard was dismissed from HPMP for non compliance.

6. Ms. Mottesheard reported relapsing several times, with the last relapse on June 22, 2016, with heroin. Her sobriety date is June 23, 2016. Ms. Mottesheard reported that she participated in a two-day accelerated detox program at the Coleman Institute and then received the naltrexone implant. She also reported that Dr. Coleman is her primary care practitioner as well as her

addictionologist and that he has prescribed the following medications: Cymbalta, Propanalol, Valium (diazepam, C-IV), and methadone (C-II). Ms. Mottesheard reported that she sees a psychiatrist once a month, when he is available. She reported attending Alcoholics Anonymous or Narcotics Anonymous meetings two to three times a week and stated she has a sponsor. Her support system is her family and her church. Ms. Mottesheard admitted that she is not ready to return to practice.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The license of Melissa Ann Mottesheard to practice professional nursing is **INDEFINITELY SUSPENDED**.
2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Melissa Ann Mottesheard seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Melissa Ann Mottesheard to demonstrate that she is safe and competent to return to the practice of professional nursing. Melissa Ann Mottesheard shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.
5. The suspension shall be **STAYED** upon proof of Melissa Ann Mottesheard's re-entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").
6. Upon stay of the suspension, Melissa Ann Mottesheard shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
7. Melissa Ann Mottesheard, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

8. Upon receipt of evidence of Melissa Ann Mottesheard's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Melissa Ann Mottesheard's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

9. This Order is applicable to Melissa Ann Mottesheard's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Melissa Ann Mottesheard shall 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 seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

10. Failure to comply with the terms and conditions of the stay of suspension shall be reason for summarily rescinding the stay of suspension of the license of Melissa Ann Mottesheard, and the license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

Reviewed and approved on September 28, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing