

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: MELISSA ANN MOTTESHEARD, R.N.**  
**a/k/a Melissa Mills**  
**License Number: 0001-242550**  
**Issue Date: January 29, 2013**  
**Expiration Date: February 28, 2018**  
**Case Number: 170193**

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**NOTICE OF INFORMAL CONFERENCE  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that an Informal Conference has been scheduled before the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before a Special Conference Committee of the Board of Nursing.
<b>DATE AND TIME:</b>	<b>June 9, 2016</b> <b>1:00 P.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Refer the matter to the Board of Nursing for a formal administrative hearing;
- Offer you a consent order for suspension or revocation of your license in lieu of a formal hearing.

**DEFAULT:**

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

**RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

**COMMONWEALTH'S EXHIBIT:**

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you ay be required to claim at the post office. Please bring these documents with you to the informal conference.**

**FILING DEADLINES:**

1. Deadline for filing exhibits: **June 1, 2016**. Submit 5 copies of all documents you want the Board to consider to Melvina Baylor, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including motions for continuance or objections to exhibits, in writing, to Melvina Baylor at the above address: **June 1, 2016**. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

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**STATEMENT OF ALLEGATIONS**

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The Board of Nursing alleges that:

1. At all times relevant hereto, Melissa Ann Mottesheard, R.N. was licensed to practice professional nursing in the Commonwealth of 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 or about 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 or about 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 or about 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 then observed getting needles and syringes from the supply tool box, dropping a vial of diazepam and a TB syringe 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 or about 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 or about 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. Ms. Mottesheard admitted to diverting waste opiates from the hospital for her own personal use prior to June 2, 2015.

2. 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 or about 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 or about October 11, 2015, hospital staff observed that Ms. Mottesheard was impaired. She was confused, her eyes were half closed, her speech was at times slurred, she was crying, she had dilated pupils, and she was unsteady on her feet.


c. On or about 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.

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

See Confidential Attachment I for the names of the patients referenced above.

  
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Gloria Mitchell-Ivily, R.N., M.S.N., M.B.A.  
Deputy Executive Director  
Virginia Board of Nursing

  
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Date