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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ERINE M. MILLER, R.N. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing (“Board”) and Erine M. Miller, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Miller’s application for licensure by endorsement to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Erine M. Miller, R.N., was issued License No. RN66453 to practice professional nursing by the West Virginia Board of Nursing on July 1, 2005. Said license is set to expire on October 31, 2014.
2. Ms. Miller submitted an application for licensure by endorsement to practice professional nursing which was received by the Board on June 16, 2014. Ms. Miller declared Virginia as her primary state of residence.
3. On August 3, 2010, Ms. Miller was convicted of child neglect with a risk of injury, a felony, in the Circuit Court of Kanawha County, West Virginia. Ms. Miller stated that this conviction directly relates to her substance abuse and her use of alcohol.
4. Ms. Miller has been diagnosed with opioid and benzodiazepine dependence, depression and post traumatic stress disorder. Ms. Miller stated that she began using drugs and alcohol in 2007.
5. Ms. Miller provided evidence that she has paid all associated court costs and completed probation on February 2, 2012.
6. Ms. Miller provided evidence that on March 8, 2011, she completed a 30-day residential treatment program administered through New River Valley Community Services, Radford, Virginia, and

successfully completed all aspects of the program on June 5, 2012. Ms. Miller’s drug and alcohol screens were all negative while in the program.

7. Ms. Miller provided a letter from the WV Restore Program, which is the non-disciplinary program for nurses with a substance abuse disorder. Ms. Miller was directed into the program, in lieu of disciplinary action, by the West Virginia Board of Nursing. Ms. Miller entered the WV Restore program on April 28, 2014, and is scheduled to complete the program on April 27, 2019. Ms. Miller is currently in compliance with the program.

8. Ms. Miller reported that her date of sobriety is February 1, 2011. She currently attends three to five Alcoholics Anonymous meetings per week and two Caduceus meetings a month.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code of Virginia (1950), as amended (“Code”).
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
3. Based on the above Findings of Fact, Ms. Miller is a candidate for the Health Practitioners’ Monitoring Program (“HPMP”).
4. Ms. Miller otherwise meets the requirements of § 54.1-3018 of the Code.

CONSENT

Erine M. Miller, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;

4. She waives all such right to an informal conference;

5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her application for licensure by endorsement to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The application of Erine M. Miller, R.N., for licensure by endorsement to practice professional nursing is APPROVED contingent upon entry her into the HPMP and compliance with the HPMP for the period specified of the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Miller, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Miller shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Miller is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Miller involving a violation of law or regulation or any term or condition of this Order; or


c. Ms. Miller has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Miller’s participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Miller’s appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Miller’s multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Miller 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 Ms. Miller wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Miller 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 upon request.

FOR THE BOARD


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

ENTERED: October 22nd 2014

SEEN AND AGREED TO:

Erine M. Miller RN
Erine M. Miller, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Pulaski, TO WIT:

Subscribed and sworn to before me, Sandy G Dalton a Notary Public, this 13th day of October, 2014.

My commission expires Sept. 30, 2018

Registration Number 305246

Sandy G Dalton
NOTARY PUBLIC

