

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CALEB COLESON WITT, L.P.N.
License Number: 0002-086793
Case Number: 169613

RATIFICATION AND ORDER

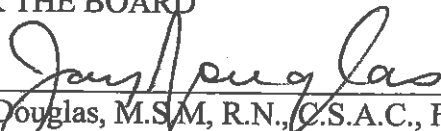
On July 20, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Caleb Coleson Witt, L.P.N. was not present nor was he represented by legal counsel.

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.

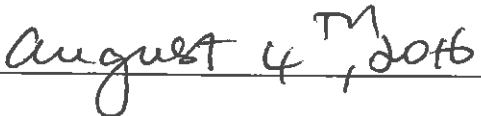
Pursuant to Virginia Code § 54.1-2400(10), Mr. Witt may, not later than 5:00 p.m., on September 6, 2016, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative 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

ENTERED AND MAILED ON:



August 4th, 2016

This Order shall become final on September 6, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: Caleb Coleson Witt, L.P.N.
License Number: 0002-086793
Case Number: 169613

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 June 1, 2016 in Henrico County, Virginia, to inquire into evidence that Caleb Coleson Witt, L.P.N. may have violated certain laws governing the practice of practical nursing in the Commonwealth of Virginia.

Mr. Witt appeared at this proceeding and was not represented by legal counsel.

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 April 26, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Witt notifying him that an informal conference would be held on June 1, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

Recommended Findings of Fact and Conclusions of Law

1. Caleb Coleson Witt, L.P.N. was issued License Number 0002-086793 to practice practical nursing on March 28, 2012, which is scheduled to expire on September 30, 2017. At all times

relevant to the allegations herein, said license was in full force and effect. His primary state of residence is Virginia.

2. Caleb Coleson Witt, L.P.N. violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice practical nursing due to admitted substance abuse and physical and/or mental illness, as evidenced by the following:

a. On March 25, 2014, in the General District Court of Suffolk, Virginia, Mr. Witt was convicted of driving while under the influence. Mr. Witt was sentenced to 60 days in jail, suspended, and ordered to complete the Virginia Alcohol Safety Action Program (“VASAP”) and pay fines and court costs totaling \$551.00. The fines and costs were paid in full on May 21, 2014. He successfully completed VASAP on March 25, 2015.

b. On March 30, 2015, Mr. Witt was hospitalized at Sentara Obici Hospital, Suffolk, Virginia, for alcohol dependence and depressive disorder.

c. From August 31 to September 1, 2015, Mr. Witt was hospitalized at Sentara Obici Hospital for hematemesis secondary to alcohol induced esophagitis. Upon admission, Mr. Witt admitted to drinking alcohol prior to going to work as a practical nurse. Though, at the informal conference Mr. Witt stated he could not recall what he had told the physician.

d. From September 10 to October 16, 2015, Mr. Witt received substance abuse treatment at the Farley Center at Williamsburg Place. He was discharged with a guarded prognosis. In reference to the Farley Center’s note of benzodiazepine abuse, Mr. Witt stated that he had a prescription for Ativan (lorazepam, C-IV), which he used to calm his nerves and keep from being jittery.

e. On October 7, 2015, Mr. Witt entered a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”), wherein he acknowledged alcohol and marijuana abuse. On March 21, 2016, Mr. Witt was dismissed from the program for noncompliance. Specifically, on

February 1, 2016, he stopped calling the drug screen test line, and on February 12, 2016, he missed a drug screen. Subsequently, Mr. Witt stopped attending his intensive outpatient treatment program and ceased communicating with his HPMP case manager.

3. Mr. Witt reported a sobriety date of May 16, 2016. Mr. Witt initially did not know the date and was able to determine it after consulting his electronic calendar. He reported bourbon being his drink of choice and stated that he consumed two mixed drinks containing bourbon on Sunday, May 15, 2016.

4. Mr. Witt reported that he attended an Alcoholics Anonymous meeting a couple of weeks prior to the informal conference and that he does not attend on a regular basis.

5. Mr. Witt reported that he is seeking treatment at the Western Tidewater Free Clinic. He has scheduled appointments, but has yet to be seen by a psychiatrist or a therapist.

6. Mr. Witt stated that he is currently unemployed and last worked at the Men's Wellness Center, Newport News, Virginia, in a non-nursing capacity.

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 Caleb Coleson Witt to practice practical nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Caleb Coleson Witt seek reinstatement of his license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Caleb Coleson Witt to demonstrate that he is safe and competent to return to the practice of practical nursing.

Caleb Coleson Witt 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 Caleb Coleson Witt's entry into a Contract with the HPMP.

6. Upon stay of the suspension, Caleb Coleson Witt shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

7. Upon receipt of evidence of Caleb Coleson Witt's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Caleb Coleson Witt's appearance before the Board and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.

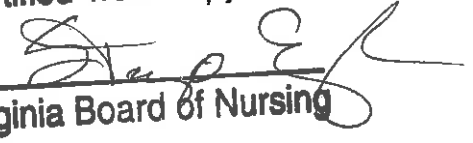
8. This Order is applicable to Caleb Coleson Witt's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Caleb Coleson Witt shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where he seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

9. 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 Caleb Coleson Witt, and the license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

10. Caleb Coleson Witt shall comply with all laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Reviewed and approved on June 13, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing