

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: GARETH JOHN REEVES, R.N.
License Number: 0001-156986
Case Number: 173480

RATIFICATION AND ORDER

On July 19, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Gareth John Reeves, R.N., was not present nor was he represented by legal counsel.

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. Reeves may, not later than 5:00 p.m., on August 30, 2017, notify Jay 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

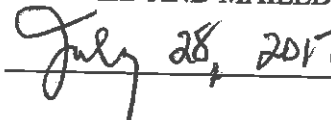


Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Certified True Copy

By 
Virginia Board Of Nursing

ENTERED AND MAILED ON:



This Order shall become final on August 30, 2017, unless a request for a formal administrative hearing is received as described above.

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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), Allison Gregory, M.S., R.N, F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing ("Board"), held an informal conference on May 25, 2017 in Henrico County, Virginia, to inquire into evidence that Gareth John Reeves, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Mr. Reeves 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, 2017, the Board sent a Notice of Informal Conference ("Notice") to Mr. Reeves notifying him that an informal conference would be held on May 25, 2017. 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. Gareth John Reeves, R.N., was issued License Number 0001-156986 to practice professional nursing on December 4, 1997, which is scheduled to expire on September 30, 2017. His primary state of residence is Virginia.

2. Gareth Reeves, 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 (currently

found at 18 VAC 90-19-230(A)(2)(c) and (e) effective February 24, 2017) in that, by his own admission, during the course of his employment at VCU Health Systems, Richmond, Virginia (“VCU Health”), between about 2015 and April 26, 2016, he diverted controlled substances, including Dilaudid (hydromorphone hydrochloride, C-II) and fentanyl (C-II), on multiple occasions for his own personal and unauthorized use. He admitted that he accomplished the diversion using several methods:

- a. Mr. Reeves diverted leftover narcotic pills from patients who brought medications with them to the emergency room. If the patient expired, instead of destroying the medications, Mr. Reeves took them for his own personal use.
 - b. Mr. Reeves diverted the waste from narcotics for his own personal use and had another nurse indicate that they witnessed the waste when they did not actually see the medication being wasted.
 - c. For patients that had orders for IV narcotics, Mr. Reeves took the waste portion of IV medications and injected the medication while at work during his shift. He admitted to diverting and injecting Dilaudid 4mg IV three to four times during his 12-hour shift.
 - d. For patients that did not have orders for narcotics or who had previously been discharged, Mr. Reeves removed the medications for his personal use under the name of the patient by using the log-ins of other nurses when those nurses failed to log out of the Pyxis system.
3. As a result of his diversion, Mr. Reeves’ employment with VCU Health was terminated on January 31, 2017.
 4. Mr. Reeves violated Virginia Code § 54.1-3007(5) and (6) in that, during the course of his employment with VCU Health, by his own admission, he reported for duty while hung over and, at times, had the “shakes.” Mr. Reeves stated at the informal conference that he did not realize that reporting to work while hung over was a violation.

5. Mr. Reeves violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice nursing due to substance abuse and mental illness, as evidenced by the following:

a. On May 25, 2016, Mr. Reeves was admitted to McGuire VA Medical Center, Richmond, Virginia (“McGuire”), for substance abuse treatment. He was diagnosed with alcohol dependence, uncomplicated and opioid dependence, uncomplicated.

b. On June 10, 2016, Mr. Reeves entered into a participation contract with the Virginia Health Practitioners’ Monitoring Program (“HPMP”) acknowledging opioid and alcohol abuse that impairs his ability to practice nursing safely and in which he agreed to abstain from alcohol.

c. On September 30, 2016, Mr. Reeves was noncompliant with his HPMP participation contract in that his toxicology screen tested positive for alcohol. Mr. Reeves admitted to drinking alcohol on September 3, 2016, September 12, 2016, September 24, 2016, October 7, 2016, October 8, 2016.

d. On January 10, 2017, HPMP placed Mr. Reeves on pre-dismissal status due to two self-reported relapses involving alcohol in or about December, 2016. Mr. Reeves stated at the informal conference that he self-reported his relapse to his HPMP case manager and his social worker at McGuire because he realized he needed inpatient treatment.

6. An HPMP compliance report dated May 23, 2017 indicated that Mr. Reeves obtained an assessment subsequent to his December 2016 relapse and was referred to intensive outpatient treatment (“IOP”). Mr. Reeves successfully completed the IOP treatment program at McGuire in March 2017 which consisted of treatment sessions lasting four hours a day, three days per week for twelve weeks. The compliance report also confirmed that Mr. Reeves has continued to submit negative drug and alcohol screens and his treatment reports are favorable.

7. At the informal conference, Mr. Reeves acknowledged his addiction and stated that he began diverting medications in 2013. He stated that his drug of choice was Dilaudid, but is currently alcohol.

8. Mr. Reeves maintains that his date of sobriety is December 12, 2016. He stated that he has attended both Narcotics Anonymous and Alcoholics Anonymous meetings, but currently he has been attending five to seven Alcoholics Anonymous meetings per week. He stated that he is currently on Step Three working toward Step Four of the program. He stated that he has a sponsor that he has been working with since January 2017.

9. Mr. Reeves said that he is currently receiving mental health and behavioral health treatment at McGuire. He stated that he sees his psychiatrist at McGuire approximately every three weeks. He stated that since completing the IOP, he has not attended any outpatient group therapy. He said that he has alerted all of his health care providers of his addiction.

10. Mr. Reeves stated that he counts his family and members of his Alcoholics Anonymous recovery group as part of his support system.

11. Mr. Reeves stated that he is not currently employed. He stated that he has not yet requested that HPMP approve him to return to work as a nurse because a return to nursing is secondary to his focusing on his recovery. He said that eventually he would like to work for the VA.

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 Board shall TAKE NO ACTION at this time, contingent upon Mr. Reeves' continued compliance with the terms and conditions of his Contract with the Virginia Health Practitioners' Monitoring Program for the period specified in the Contract.

2. This Order is applicable to Mr. Reeves' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Reeves 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.

3. Gareth John Reeves, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

4. Failure to comply with the terms and conditions of this Order shall constitute grounds for an administrative proceeding before the Board.

Reviewed and approved on June 2, 2017
By Allison Gregory, M.S., R.N, F.N.P.-B.C.
Agency Subordinate

Certified True Copy

By 
Virginia Board Of Nursing