

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: GARETH JOHN REEVES, R.N.
License Number: 0001-156986
Expiration Date: September 30, 2017
Case Number: 173480

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing (“Board”) regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board.
DATE AND TIME:	May 25, 2017 at 9:00 a.m.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd 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. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Board's Review of Agency Subordinate's Recommended Decision

If you appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you fail to appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate 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 Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate 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 may be required to claim at the post office. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

Deadline for filing materials: **May 18, 2017**. Submit 5 copies of all documents you want the Board to consider to Sylvia Tamayo-Suijk, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **May 18, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **May 18, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Gareth John Reeves, R.N., was licensed to practice professional nursing in the Commonwealth of 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 or 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 the medications from 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. 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.”

4. 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 or about 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 or about 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.

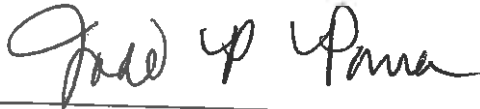
c. On or about September 30, 2016, Mr. Reeves was noncompliant with his HPMP participation contract in that his toxicology screen tested positive for alcohol. Mr. Reeves admitted to drinking alcohol on September 3, 2016, September 12, 2016, September 24, 2016, October 7, 2016, October 8, 2016.

d. On or about January 10, 2017, HPMP placed Mr. Reeves on pre-dismissal status due to two reported relapses involving alcohol in or about December, 2016.

e. Between or about December 2013 and May 2016, Mr. Reeves received primary care services with Primary Health Group Chippenham, Richmond, Virginia, where his most recent

assessment noted an episode of major depressive disorder, unspecified depression episode severity and alcohol abuse.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Mr. Reeves's health records or health services.



Jodi Power, R.N., J.D.
Deputy Executive Director
Virginia Board of Nursing

April 26, 2017
Date