

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DAVID BARCLAY JOSEPH PATTERSON, R.N.
License Number: 0001-233391
Expiration Date: February 28, 2018
Case Number: 178186, 179455

**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:	June 5, 2017 at 1:00 p.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 30, 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 30, 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 30, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, David Barclay Joseph Patterson, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Mr. Patterson violated Term Number 1 of the Consent Order of the Board entered January 8, 2014 (“Board’s Order”), which took no action against his license contingent on his continued compliance with the Health Practitioners’ Monitoring Program (“HPMP”), and Virginia Code § 54.1-3007(6) in that on or about March 2, 2017, he was dismissed from the HPMP for noncompliance with his Recovery Monitoring Contract. Specifically, he failed to enter and complete treatment as recommended, failed to submit monthly reports, and began employment without HPMP approval.
3. Mr. Patterson violated Virginia Code § 54.1-3007(5) in that during the course of his employment with Falls Run Nursing and Rehabilitation, Fredericksburg, Virginia, on several occasions in or about November 2016, by his own admission, he left his medication cart, which contained narcotic medications, unlocked and unattended.
4. Mr. Patterson violated Virginia Code § 54.1-3007(2) and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c), effective February 24, 2017) in that:
 - a. He tested positive for narcotic medications for which he had no prescriptions. Specifically, on or about July 21, 2016, he tested positive for oxycodone (C-II). On or about August 12, 2016, he tested positive for oxycodone. On or about December 9, 2016, he tested positive for oxycodone and hydrocodone (C-II).

b. On or about March 2, 2017, during the course of his employment with Gaertner Psychiatric, Fredericksburg, Virginia, he stole tramadol (C-IV) out of a co-worker's handbag.



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

May 8, 2017
Date