

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: PHILIP LYNN THOMAS, R.N.
a.k.a. Lynn Thomas
License Number: 0001-132117
Case Numbers: 173723, 170328

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on March 20, 2017, in Henrico County, Virginia, to inquire into evidence that Philip Lynn Thomas, R.N., may have violated certain laws governing the practice of professional nursing in the Commonwealth of Virginia.

Philip Lynn Thomas, R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated March 7, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Thomas notifying him that a formal administrative hearing would be held on March 20, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On March 18, 1993, the Board issued License Number 0001-132117 to Philip Lynn Thomas, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license is

scheduled to expire on July 31, 2017. At all times relevant hereto, said license was in full force and effect. His primary state of residence is Virginia.

2. On September 20, 2015, Mr. Thomas presented to the emergency department at Bristol Regional Medical Center, Bristol, Tennessee, unable to maintain a conversation and hearing voices. Mr. Thomas was diagnosed with altered mental status, unspecified-psychosis, depressive disorder-not elsewhere classified, and anxiety state-unspecified. A urine drug screen performed on September 21, 2015 was positive for amphetamines, a medication which Mr. Thomas' Prescription Monitoring Program report from November 30, 2014 through November 30, 2016 indicates he was not prescribed. Mr. Thomas admitted to his attending physician that he was abusing methamphetamines.

3. Mr. Thomas provided a printout from Marion Family Pharmacy that demonstrated that he received a prescription for phentermine on September 23, 2015.

4. On October 11, 2015, Mr. Thomas presented to Southwestern Virginia Mental Health Institute, Marion, Virginia ("SVMHI"), exhibiting confusion and rambling speech and was admitted pursuant to a temporary detention order ("TDO"). He was given a diagnosis of unspecified cognitive disorder and unspecified mood disorder.

5. On April 28, 2016, Mr. Thomas was medically admitted to Smyth County Community Hospital, Marion, Virginia, for altered mental status and sinus bradycardia. A prescreening assessment performed by the emergency department found that Mr. Thomas was disheveled and exhibited poor hygiene, mumbling under his breath as if responding to internal stimuli, and agitated. Mr. Thomas was transferred, pursuant to a TDO, to SVMHI on May 1, 2016. Mr. Thomas was discharged on May 17, 2016, with a diagnosis of benzodiazepine withdrawal delirium and bipolar disorder unspecified.

6. Mr. Thomas testified that he saw Dr. Marion Graham the week before the hearing, and that Dr. Graham said Mr. Thomas was safe to practice as a nurse. However, Mr. Thomas did not offer

written documentation from Dr. Graham. Mr. Thomas told the Board that his goal in life is to be medication free. However, he testified that he has been taking Lorazepam for over 30 years, and indicated that not taking his medication contributed to his hospitalizations.

7. The evidence presented at the hearing demonstrated an extensive history of mental health symptoms triggering involuntary inpatient admissions.

8. When asked by the Board, Mr. Thomas indicated that he would go into the Health Practitioners' Monitoring Program if necessary.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2, 4, and 5 constitute a violation of Virginia Code § 54.1-3007(6).
2. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Mr. Thomas' health records or health services.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The license of Philip Lynn Thomas, R.N., to practice professional nursing is INDEFINITELY SUSPENDED from the date of entry of this Order.
2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. The suspension shall be STAYED upon proof of Mr. Thomas' entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").
5. Upon stay of the suspension, Philip Lynn Thomas, R.N., shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

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

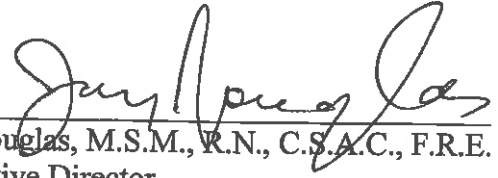
7. This Order is applicable to Mr. Thomas' multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Mr. Thomas shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia 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.

8. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Philip Lynn Thomas, R.N., and the license shall be recorded as suspended. After any rescission of the stay of suspension, Mr. Thomas may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

9. Philip Lynn Thomas, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

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:

April 5th, 2017

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 
Virginia Board Of Nursing