

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: PHILIP LYNN THOMAS, R.N.
a.k.a LYNN THOMAS
License Number: 0001-132117
Issue Date: March 18, 1993
Expiration Date: July 31, 2017
Case Numbers: 173723, 170328

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	March 20, 2017 11:00 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 formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Suspend your license;
- Revoke your license.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board 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 Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board 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 formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: **March 14, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **March 16, 2017**. If no objections have been received by **March 16, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **March 17, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **March 14, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **March 14, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **March 14, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion. NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

REQUEST FOR A CONTINUANCE:

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **March 14, 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 **March 14, 2017**.

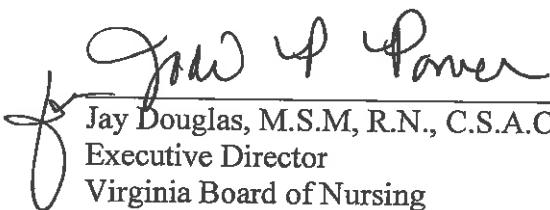
STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Philip Lynn Thomas, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Philip Lynn Thomas, R.N., violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice as a professional nurse due to substance abuse and/or mental illness, as evidenced by the following:
 - a. On or about April 28, 2016, Mr. Thomas was medically admitted to Smyth County Community Hospital, Marion, Virginia for altered mental status and sinus tachycardia. A prescreening assessment performed by the emergency department found that Mr. Thomas was disheveled and exhibited poor hygiene, was mumbling under his breath as if responding to internal stimuli, behaving in a sexually inappropriate manner, and agitated. Mr. Thomas was transferred, pursuant to a temporary detention order (“TDO”), to Southwestern Virginia Mental Health Institute, Marion, Virginia (“SVMHI”) on May 1, 2016. Mr. Thomas was discharged on May 17, 2016, with a diagnosis of benzodiazepine withdrawal delirium and bipolar disorder unspecified.
 - b. On or about October 11, 2015, Mr. Thomas presented to SVMHI exhibiting confusion and rambling speech and was admitted pursuant to a TDO. He was given a diagnosis of unspecified neurocognitive disorder and unspecified mood disorder.
 - c. On or about 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.

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.



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

March 7, 2017
Date