

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DAVID ADAM ROBERTS, R.N.
License Number: 0001-200085
Issue Date: February 24, 2006
Expiration Date: December 31, 2017
Case Number: 174121

**NOTICE OF INFORMAL CONFERENCE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an Informal Conference 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 an informal conference before a Special Conference Committee ("Committee") of the Board.
DATE AND TIME:	February 9, 2017 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. At the conclusion of the proceeding, the Committee 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;
- Refer the matter to the Board of Nursing for a formal administrative hearing;
- Offer you a consent order for suspension or revocation of your license in lieu of a formal hearing.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Committee 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 Committee 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.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee 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:

1. Deadline for filing materials: February 2, 2017. Submit 5 copies of all documents you want the Board to consider to Dawnyel Towles, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Dawnyel Towles at the above address: February 2, 2017. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **February 2, 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 **February 2, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

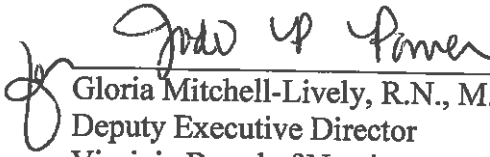
1. At all times relevant hereto, David Adam Roberts, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.

2. During the course of his employment with CJW Medical Center- Chippenham Hospital, Richmond, Virginia, on or about May 9, 2016:

a. Mr. Roberts violated Virginia Code § 54.1-3007(5) and (6) in that he was observed by coworkers acting erratically, was sweaty with pinpoint pupils, slurred his speech, and appeared disheveled.

b. Mr. Roberts violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations Governing the Practice of Nursing in that he diverted Dilaudid (hydromorphone, C-II) for his own personal and unauthorized use, as evidenced by the following: at approximately 11:10 a.m., he withdrew Dilaudid 2mg for Patient A using the login credentials of another nurse. Mr. Roberts withdrew an additional 1mg of Dilaudid for Patient A at approximately 12:41 p.m. and documented its administration at 12:46 p.m. Finally, Mr. Roberts had the nurse he was orienting waste the original Dilaudid 2mg at approximately 1:23 p.m., two hours after its withdrawal. When questioned about withdrawing Dilaudid for Patient A at 11:10 a.m. using another nurse's login credentials, Mr. Roberts claimed that he had the nurse's permission to withdraw the medication in anticipation of Patient B's arrival. However, the other nurse denied giving permission to use his login, and the unit did not receive a call about Patient B's arrival until 11:28 a.m., several minutes after Mr. Roberts withdrew the Dilaudid.

See Confidential Attachment I for the names of the patients referenced above.



Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing

January 11, 2017
Date