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VA BD OF NURSING

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: SCOTT BENSON, R.N.  
License No.: 0001-222294**

**AMENDED CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Scott Benson, R.N., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Benson's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Scott Benson, R.N., was issued License No. 0001-222294 to practice professional nursing by the Virginia Board of Nursing on November 25, 2009. Said license is set to expire on October 31, 2013. Mr. Benson's primary state of residence is Virginia.
2. During the course of his employment with Retreat Doctor's Hospital, Richmond, Virginia, Mr. Benson diverted Dilaudid (hydromorphone, C-II) for his own personal and unauthorized use. On several occasions, Mr. Benson adulterated 2 mg vials of Dilaudid by removing 1mg from the vial and replacing it with saline.
3. Mr. Benson stated that he became addicted to fentanyl (Duragesic C-II) following several surgeries for testicular cancer.
4. On February 3, 2012, Mr. Benson entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"). On September 3, 2012, the HPMP notified Mr. Benson that he was being placed on warning status due to non-compliance with his contract.

5. Mr. Benson's employment with Retreat Doctor's Hospital was terminated. He reports that he is currently employed as a lighting technician at Christopher Newport University.

6. On September 17, 2012, Mr. Benson was placed on pre-dismissal status for failing to call the drug screen test line on September 11, 2012.

7. On December 6, 2012, Mr. Benson's HPMP case manager stated that Mr. Benson is currently in compliance with his contract, but will remain on pre-dismissal status until mid March. The case manager also stated that Mr. Benson is now employed with Envoy of Williamsburg, Williamsburg, Virginia, as a Clinical Nurse 1. Mr. Benson acts in a supervisory position and does not have access to narcotic medications.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Findings of Fact Nos. 2 and 3 constitute a violation of § 54.1-3007(6) of the Code.

#### **CONSENT**

Scott Benson, R.N., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against him;
4. He waives all such right to an informal conference;

5. He neither admits nor denies the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. He consents to the entry of the following Order affecting his right to practice professional nursing in Virginia.

### **ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time contingent on the following conditions:

a. Scott Benson, R.N., shall continue to comply with all terms and conditions of the HPMP for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Benson, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. Benson shall be noticed to appear before the Board at such time as the Board is notified that:

i. Mr. Benson is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

ii. There is a pending investigation or unresolved allegation against Mr. Benson involving a violation of law or regulation or any term or condition of this Order; or

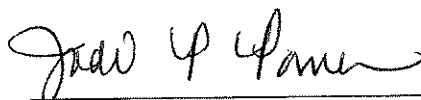
ii. Mr. Benson has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Benson's participation in and compliance with the HPMP, the Board, at its discretion, may waive Mr. Benson's appearance before the Board and conduct an administrative review of this matter.


2. This Order is applicable to Mr. Benson's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Mr. Benson 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 Mr. Benson wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

3. Mr. Benson shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD



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

ENTERED: January 4, 2013

SEEN AND AGREED TO:

Scott Benson R.N.  
Scott Benson, R.N.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF YORK, TO WIT:

Subscribed and sworn to before me, Stacy Castruita, a Notary Public, this 21 day of December, 2012.

My commission expires 9/30/15

Registration Number 336989

Stacy Castruita  
NOTARY PUBLIC

STACY CASTRUITA  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES SEPT 30, 2015  
COMMISSION # 336989