

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ARTIE LEE DILLARD, JR, R.N.
LicenseNumber: 0001-110974
Case Number: 175720

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 November 17, 2016, in Henrico County, Virginia, to inquire into evidence that Artie Lee Dillard, Jr., may have violated an Order of the Board entered June 1, 2016, and certain laws governing the practice of professional nursing in the Commonwealth of Virginia.

Artie Lee Dillard, Jr, R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated November 1, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Dillard notifying him that a formal administrative hearing would be held on November 17, 2016. 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. Artie Dillard, Jr., was issued License No. 0001-110974 on August 23, 1998. On June 1, 2016, the Board issued an Order indefinitely suspending Mr. Dillard’s license and staying the

suspension contingent upon his entry into and compliance with the Health Practitioners' Monitoring Program. Mr. Dillard's primary state of residence is Virginia.

2. The Board's June 1, 2016, Order was based on findings that Mr. Dillard was unsafe to practice professional nursing due to substance abuse and mental and physical illness. Term No. 5(a) stayed the indefinite suspension of Mr. Dillard's license to practice professional nursing contingent upon his entry into and compliance with the HPMP.

3. The Board made the following findings in its June 1, 2016, Order:

a. On April 7, 2015, Mr. Dillard was admitted to the psychiatric unit of the Danville Regional Medical Center, Danville, Virginia, pursuant to a temporary detention order after he had consumed several alcoholic drinks and expressed suicidal ideations. His diagnoses on discharge on April 10, 2015, included bipolar disorder and alcohol use disorder. Mr. Dillard also suffers from chronic pain and physical limitations, including difficulty walking and standing following back surgery in January 2015.

b. During the investigation of the case that led to the stayed suspension, Mr. Dillard told the DHP investigator that his April 2015 hospitalization was related to self-medicating with alcohol for additional pain control related to his back surgery. He also told the investigator that he was unemployed and on medical disability. His medications at that time included Abilify, Percocet, Klonopin, lamictal, and nortriptyline. He had no plans to return to nursing in the near future.

c. On December 15, 2014, Mr. Dillard was convicted in the General District Court of Pittsylvania, Virginia, of public swearing/intoxication for an offense that occurred on November 8, 2014. He also had a DUI conviction from 2008 in the General District Court of Lynchburg.

d. Mr. Dillard underwent counseling between May and October 2015 but discharged himself. The counselor stated to the DHP investigator that Dillard would be safe to render

care if he were tightly monitored as to his current state of mental health and substance abuse. His psychiatrist told the investigator that he needed further assessment to rule out alcohol and/or prescription medication addiction before he could say if Mr. Dillard was safe to practice.

4. On May 18, 2016, Mr. Dillard signed a Participation Contract with the HPMP, which stayed the suspension of his license. He was referred for a multidisciplinary assessment to determine his treatment needs but he could not afford it. He was referred for a substance abuse assessment, which he completed on June 14, 2016. The evaluator recommended he continue with individual therapy and outpatient substance abuse treatment. He began weekly individual therapy with Linda Oberst on July 20, 2016, and his case manager at the Community Services Board was arranging his entry into a substance abuse treatment group. He was scheduled to attend HPMP orientation on July 25, 2016, and he registered with the toxicology screening program, but he cancelled due to lack of transportation.

5. On July 29, 2016, he stated he would attend orientation on August 1, 2016, but on that day, he left a message for his HPMP case manager, Rebecca Britt, that he would not be attending orientation and did not wish to participate in HPMP because he did not believe he would be physically able to return to nursing. He did not respond to a phone call and did not submit a resignation letter.

6. HPMP then requested Mr. Dillard's dismissal from the program, which was granted.

7. Mr. Dillard testified that he believed he would not be able to return to nursing practice when he requested to resign from the HPMP. However, since then, he has realized that he desires to further his education and maintain his licensure.

8. Evidence revealed that Mr. Dillard's psychiatrist stated that he feels Mr. Dillard is safe to practice and that he could work in a nonphysical nursing capacity. Further, Mr. Dillard's counselor told the DHP investigator that if he remains clean and sober, she did not see any problem with him practicing as a nurse in a non-physical capacity.

9. Mr. Dillard told the Board that he would be willing to reenter the HPMP now that he wishes to maintain licensure.

CONCLUSION OF LAW

1. Finding of Fact No. 6 constitutes a violation of Virginia Code § 54.1-3007(6) and Term No. 5(a) of the Board's Order.

ORDER

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

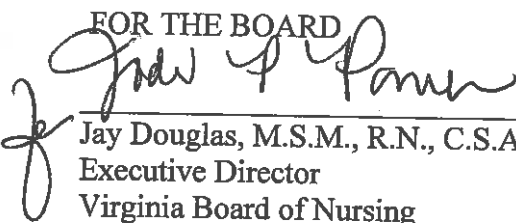
1. Artie Lee Dillard, Jr., is REPRIMANDED.
2. The license of Artie Lee Dillard, Jr., R.N., to practice professional nursing is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. Should Artie Lee Dillard, Jr, R.N., seek reinstatement of his license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Mr. Dillard to demonstrate that he is safe and competent to return to the practice of professional nursing. Mr. Dillard shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.
6. The suspension shall be STAYED upon proof of Mr. Dillard's re-entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").
7. Upon stay of the suspension, Artie Lee Dillard, Jr, R.N., shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

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

9. This Order is applicable to Mr. Dillard's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Mr. Dillard 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.

10. 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 Artie Lee Dillard, Jr, R.N., and the license shall be recorded as suspended. After any rescission of the stay of suspension, Mr. Dillard may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

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:

December 16, 2016

Certified True Copy
By 
Virginia Board Of Nursing

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, 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.