

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ARTIE DILLARD, R.N.
License No.: 0001-110974

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on March 1, 2016 in Henrico County, Virginia. Artie Dillard, R.N. was not present nor was he represented by legal counsel. Allison Gregory, R.N., M.S., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 18, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Dillard was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Artie Dillard, R.N. was issued License No. 0001-110974 to practice professional nursing in Virginia on August 23, 1988. The license is scheduled to expire on April 30, 2018. His primary state of residence is Virginia.

2. By letter dated February 3, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Dillard notifying him that an informal conference would be held on March 1, 2016. The Notice was sent by certified and first class mail to 6075 Kenridge Circle, Danville, Virginia 24540, the address of record on file with the Board of Nursing. Mr. Dillard signed the receipt for the Notice sent by certified mail on February 6, 2016. The Notice sent by first class mail was not returned to

the Board office. On February 24, 2016, Mr. Dillard requested a continuance, which was denied. The Agency Subordinate concluded that adequate notice was provided to Mr. Dillard and the informal conference proceeded in his absence.

3. On April 7, 2015, Mr. Dillard was admitted to the psychiatry unit of the Danville Regional Medical Center pursuant to a Temporary Detention Order after consuming several alcoholic beverages and having suicidal ideations. At his discharge on April 10, 2015, his diagnoses included bipolar disorder and alcohol use disorder. Following back surgery in January 2015, Mr. Dillard has suffered from chronic pain and physical limitations, including difficulty walking and standing. Mr. Dillard told an investigator for the Department of Health Professions that he was hospitalized after self-medicating with alcohol for additional pain control related to his back surgery.

4. On December 15, 2014, in the General District Court of Pittsylvania County, Virginia, Mr. Dillard was convicted of public swearing/intoxication for an offense that occurred on November 8, 2014.

5. Mr. Dillard told the investigator for the Department of Health Professions that he was unemployed and on medical disability. He stated that his current medications were Percocet, Abilify, Klonopin, lamictal, and nortriptyline. He stated that he had no plan to return to nursing in the near future.

7. Mr. Dillard underwent counseling between May and October 2015 but discharged himself. The counselor told the investigator that Mr. Dillard would be safe to render care if he were tightly monitored as to his current state of mental health as well as his substance abuse. Mr. Dillard's psychiatrist told the investigator that Mr. Dillard needed further assessment to rule out alcohol and/or prescription medication addiction before he could say that Mr. Dillard was safe to render care.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-110874 of Artie Dillard, R.N. is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Mr. Dillard shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of nursing. Mr. Dillard shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon proof of entry into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Mr. Dillard shall comply with all terms and conditions for the period specified by the HPMP.
 - b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Mr. Dillard, and an administrative proceeding shall be held to determine whether his license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
 - i. Mr. Dillard is not in compliance with the terms and conditions specified by the HPMP;
 - ii. Mr. Dillard's participation in the HPMP has been terminated;
 - iii. There is a pending investigation or unresolved allegation against Mr.

Dillard involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Mr. Dillard's participation and successful completion of the HPMP, the Board, at its discretion, may waive his appearance before a Committee 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. 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 wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.


8. Mr. Dillard 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 § 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 a public record, and shall be made available for public inspection and copying upon request.

Since Mr. Dillard failed to appear at the informal conference, this Order shall be considered final. Mr. Dillard has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Dillard has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are

added to that period.


FOR THE BOARD



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

Entered: June 1, 2016

Certified True Copy

By 

Virginia Board of Nursing