

MAY 17 2016
DHP

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **WILLIAM TALMAGE O'BIER, R.N.**
License Number: 0001-102564
Case Number: 171725

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and William Talmage O'Bier, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Mr. O'Bier's license to practice nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. William Talmage O'Bier, R.N. was issued License Number 0001-102564 to practice nursing on August 15, 1986, which is scheduled to expire on November 30, 2016. His primary state of residence is Virginia.
2. Mr. O'Bier violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice nursing due to substance abuse and/or mental illness, as evidenced by the following:
 - a. During the course of his employment with the Commonwealth of Virginia Department of Behavioral Health and Developmental Services ("DBHDS"), on several occasions, Mr. O'Bier's colleagues observed noticeable changes in his cognition and gait. Specifically:
 - i. On May 6, 2015, Mr. O'Bier appeared dazed and disoriented and had trouble walking at an employment related conference. Mr. O'Bier's supervisor escorted him home from the conference because he appeared unable to safely drive himself.
 - ii. On June 11, 2015, Mr. O'Bier was found unresponsive in his office. Despite several attempts to elicit a response by calling out his name and shaking him, it took several

minutes for Mr. O'Bier to regain consciousness. When Mr. O'Bier regained consciousness, his speech was slurred, his eyes were unfocused and he could provide only monosyllabic responses. By his own admission Mr. O'Bier had recently started drinking secretly after a year of being "dry."

iii. On December 4, 2015, several of Mr. O'Bier's colleagues observed that he was slow in formulating thoughts, had an unsteady gait and had to hold on to a doorjamb to remain steady while standing. As a result, Mr. O'Bier was sent home from work. After his departure, human resources staff for HBHDS discovered a bottle of vodka in his office.

b. On June 19, 2015, Mr. O'Bier was referred by his employer to the Employee Assistance Program ("EAP") to undergo an assessment of the cause of his behavior and complete a recommended course of treatment. Mr. O'Bier's physician deemed him fit to return to work on July 9, 2015. By letter dated October 6, 2015, EAP confirmed Mr. O'Bier successfully completed the assessment and recommended plan of treatment. However, subsequent to completing EAP, Mr. O'Bier relapsed and admitted that he had been drinking once a week despite attending Alcoholics Anonymous ("AA").

c. Mr. O'Bier has been diagnosed with and sought treatment for depression, anxiety disorder and recurrent alcohol abuse.

3. On December 11, 2015, Mr. O'Bier resigned his position with DBHDS.

4. Mr. O'Bier has not provided direct patient care since 2001. During interviews with an investigator for the Department of Health Professions in February, 2016, Mr. O'Bier stated he was not interested in participation with HPMP. He is willing to surrender his license as he is not currently employed and has no plans to renew.

CONSENT

William Talmage O'Bier, R.N., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive all right to an informal conference;
5. I admit to the Findings of Fact and Conclusion of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my right to practice nursing in the Commonwealth of Virginia.

ORDER

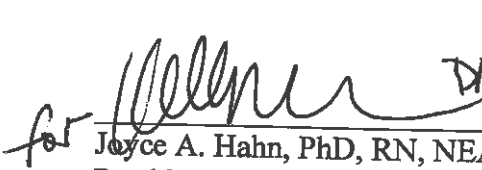
Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The Board accepts the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of William Talmage O'Bier's license to practice nursing in the Commonwealth of Virginia.
2. The license of William Talmage O'Bier will be recorded as SUSPENDED.
3. Should William Talmage O'Bier seek reinstatement of his license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on

William Talmage O'Bier to demonstrate that he is safe and competent to return to the practice of nursing.

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

for  *DNR RN*
Joyce A. Hahn, PhD, RN, NEA-BD, FNAP
President
Virginia Board of Nursing

ENTERED: May 19th, 2016

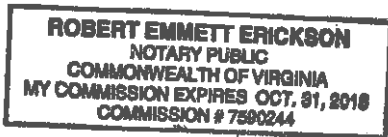
SEEN AND AGREED TO:


William Talmage O'Bier, R.N.

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

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 13 day of May, 2016.



Notary Public



My commission expires: Oct 31, 2018

Registration No.: 7590244

Certified True Copy

By: 
Virginia Board of Nursing