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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: WILLIAM GARRETT DEAN, R.N.
License No.: 0001-160434**

CONSENT ORDER

The Virginia Board of Nursing ("The Board") and William Garrett Dean, R. N., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Mr. Dean to practice nursing in the Commonwealth of Virginia.

FINDINGS OF FACT

The Board adopts the following findings of fact in this matter:

1. William Garrett Dean, R.N., was issued license number 0001-160434 by the Board to practice nursing in the Commonwealth of Virginia on July 24, 1998. Said license is active and will expire on July 31, 2013, unless renewed or otherwise restricted. Mr. Dean's primary state of residence is Virginia.
2. By Order entered September 30, 2008, the Virginia Board of Nursing suspended Mr. Dean's license to practice nursing for not less than two (2) years. This action was based on Mr. Dean's violation of § 54.1-3007(2), (3), (5) and (6) of the Code and 18VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations in that between March 1, 2007 through April 2, 2007, during the course of his employment with Carillion Roanoke Memorial Rehabilitation Center, Roanoke, Virginia, Mr. Dean diverted multiple narcotics for his personal and unauthorized use.
3. By Order entered February 14, 2011, the Board reinstated Mr. Dean's license to practice nursing in the Commonwealth of Virginia. Further, he was placed on certain terms

and conditions to include complying with the Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP.

4. By Default and Decision Order effective on March 8, 2013, the State of California Board of Registered Nursing revoked the Registered Nurse License issued to William Garrett Dean, R.N. This action was based solely on the Virginia Board's Order of September 30, 2008 and subsequent Order entered February 14, 2011.

5. By Order entered May 21, 2013, the Director of the Department of Health Professions mandatorily suspended Mr. Dean's license pursuant to Section 54.1-2409 of the Code due to the action of the California Board.

CONCLUSIONS OF LAW

This matter of the reinstatement of Mr. Dean's license to practice nursing in the Commonwealth of Virginia is properly before the Board.

CONSENT

I, William Garrett Dean, R.N., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the 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, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to an informal conference before the Board; and
 - b. the right to appear in person or by counsel, or other qualified

representative before the agency.

4. I waive all rights to an informal conference;
5. I admit the truth of the above Findings of Fact; and
6. I consent to the following Order affecting my license to practice nursing in the Commonwealth of Virginia.

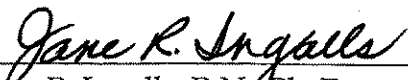
ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of William Garrett Dean, R.N., to practice nursing in the Commonwealth of Virginia, be, and hereby is, REINSTATED effective May 21, 2013, pursuant to the terms and conditions placed on him as referenced in the Board's Order of February 14, 2011.

Mr. Dean shall maintain a course of conduct in his practice of nursing commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent 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:


Jane R. Ingalls, R.N. Ph. D.
President, Virginia Board of Nursing

ENTERED: May 21, 2013

Consent Order - William Garrett Dean, R.N.
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SEEN AND AGREED TO:

William Garrett Dean

William Garrett Dean, R.N.

VA BD OF NURSING

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Roanoke TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 30 day of April, 2013, by William Garrett Dean, R.N.



Melissa D. Harvey
Notary Public

Registration Number: 7502745

My commission expires: 8/31/15

Certified True Copy

By apraham

Virginia Board of Nursing

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

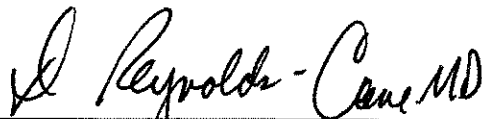
**IN RE: WILLIAM GARRETT DEAN, R.N.
License Nos.: 0001-160434**

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the State of California Board of Registered Nursing revoked the license of William Garrett Dean, R.N., to practice as a registered nurse in the State of California by Default Decision and Order effective March 8, 2013. A certified copy of the Default Decision and Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of William Garrett Dean, R.N., to practice as a professional nurse in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: 5-21-13



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Default Decision and Order effective March 8, 2013, regarding William Garrett Dean, R.N., are true copies of the records received from the State of California Board of Registered Nursing.

D. Reynolds-Cane MD

Date: 5-21-13

Dianne L. Reynolds-Cane, M.D.

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-231

13 **WILLIAM GARRETT DEAN**

14 **Address of Record:**

15 **P.O. Box 119**
Peterson, AL 35478

DEFAULT DECISION AND ORDER

16 **Additional Address:**

17 **68 Major Street**
Lebanon, VA 24266

[Gov. Code, §11520]

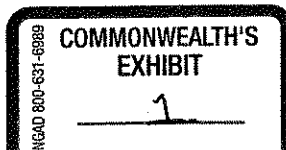
18 **Registered Nurse License No. 597523**

19 Respondent.

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21 **FINDINGS OF FACT**

22 1. On or about October 2, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs, filed Accusation No. 2013-231 against William Garrett Dean ("Respondent")
25 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

26 2. On or about April 8, 2002, the Board of Registered Nursing ("Board") issued
27 Registered Nurse License No. 597523 to Respondent. The Registered Nurse License expired on
28 August 31, 2003, and has not been renewed.



1 3. On or about October 2, 2012, Respondent was served by Certified and First Class
2 Mail copies of Accusation No. 2013-231, Statement to Respondent, Notice of Defense (two blank
3 copies), Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is: P.O. Box 119, Peterson, AL 35478.

7 4. On or about October 2, 2012, Respondent was served by Certified and First Class
8 Mail copies of Accusation No. 2013-231, Statement to Respondent, Notice of Defense (two
9 blank copies), Request for Discovery, and Discovery Statutes (Government Code sections
10 11507.5, 11507.6, and 11507.7) at an additional address: 68 Major Street, Lebanon, VA 24266.

11 5. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
13 124.

14 6. On or about October 14, 2012, the documents described in Paragraph 3 were returned
15 by the U.S. Postal Service marked "Return to Sender Unable to Forward; Box Closed." The
16 address on the documents was the same as the address on file with the Board. Respondent failed
17 to maintain an updated address with the Board and the Board has made an attempt to serve the
18 Respondent at the address on file.

19 7. On or about November 5, 2012, the documents described in Paragraph 4 served by
20 Certified Mail were returned by the U.S. Postal Service marked "Other." The documents
21 described in Paragraph 4 served by First Class mail were not returned by the U.S. Postal Service.

22 8. On October 9, 2012, Respondent telephoned Deputy Attorney General Sydney M.
23 Mehringer and acknowledged that he had received the documents described in Paragraph 4 at 68
24 Major Street, Lebanon, VA 24266.

25 9. Government Code section 11506 states, in pertinent part:

26 (o) The respondent shall be entitled to a hearing on the merits if the respondent
27 files a notice of defense, and the notice shall be deemed a specific denial of all parts
28 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

1 10. Respondent failed to file a Notice of Defense within 15 days after service upon him
2 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
3 2013-231.

4 11. California Government Code section 11520 states, in pertinent part:

5 (a) If the respondent either fails to file a notice of defense or to appear at the
6 hearing, the agency may take action based upon the respondent's express admissions
7 or upon other evidence and affidavits may be used as evidence without any notice to
8 respondent.

8 12. Pursuant to its authority under Government Code section 11520, the Board finds
9 Respondent is in default. The Board will take action without further hearing and, based on the
10 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
11 taking official notice of all the investigatory reports, exhibits and statements contained therein on
12 file at the Board's offices regarding the allegations contained in Accusation No. 2013-231, finds
13 that the charges and allegations in Accusation No. 2013-231, are separately and severally, found
14 to be true and correct by clear and convincing evidence.

15 13. Taking official notice of its own internal records, pursuant to Business and
16 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
17 and Enforcement is \$1,037.50 as of November 6, 2012.

18 **DETERMINATION OF ISSUES**

19 1. Based on the foregoing findings of fact, Respondent William Garrett Dean has
20 subjected his Registered Nurse License No. 597523 to discipline.

21 2. The agency has jurisdiction to adjudicate this case by default.

22 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
23 Nurse License based upon the following violations alleged in the Accusation which are supported
24 by the evidence contained in the Default Decision Evidence Packet in this case:

25 (a) Business and Professions Code section 2761, subdivision (a)(4) on the grounds of
26 unprofessional conduct because:

27 (i) On September 30, 2008, in the matter *In re William Dean, R.N.*, the Virginia
28 Board of Nursing ("Virginia Board") issued an order indefinitely suspending Respondent's

1 registered nursing license for a period of no less than two years. In its September 30, 2008 order,
2 the Virginia Board found that while he was employed at Carilion Roanoke Memorial
3 Rehabilitation Center in Roanoke, Virginia, Respondent diverted controlled substances for his
4 own personal and unauthorized use. Specifically, from March 1, 2007 through April 2, 2007, a
5 review of the medications Respondent withdrew from the Pyxis machine revealed 51 different
6 discrepancies. The Virginia Board also found that on July 8, 2002, the Rhode Island Board of
7 Nursing denied Respondent's application for licensure due to drug diversion. Finally, the
8 Virginia Board found that on November 23, 2004, in response to an application for employment
9 with Carilion Roanoke Memorial Rehabilitation Center, Respondent answered "no" to the
10 question "have you ever received disciplinary action, been placed on probation, or been
11 investigated by a state licensing board(s)" when in fact he had been denied licensure in Rhode
12 Island.

13 (ii) On October 1, 2010, in the matter *In re William G. Dean, R.N., Reinstatement*
14 *Applicant*, Respondent submitted an application for reinstatement of his license to the Virginia
15 Board. On February 14, 2011, the Virginia Board issued an order granting Respondent's
16 application for reinstatement of his license.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 597523, heretofore issued to Respondent William Garrett Dean, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 8, 2013

It is so ORDERED February 8, 2013

Raymond Mallet

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51188329.DOC
DOJ Matter ID:LA2012507768

Attachment:
Exhibit A: Accusation

I hereby certify the foregoing to be a true copy of the documents on file in our office.

BOARD OF REGISTERED NURSING

Louise R. Bailey, M.Ed., RN
Louise R. Bailey, M. ED., RN
Executive Officer

