

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MICHAEL S. ADDAIR, R.N. REINSTATEMENT APPLICANT
License No.: 0001-152616

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on February 9, 2016, in Henrico County, Virginia, to receive and act upon the application of Michael S. Addair for reinstatement of his license to practice professional nursing in Virginia. Mr. Addair was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Michael S. Addair was issued License No. 0001-152616 to practice professional nursing in the Commonwealth of Virginia on March 24, 1997. Said license was suspended by Order of the Board entered on March 2, 2012. His primary state of residence is Virginia. Mr. Addair holds License No. 656199 to practice professional nursing in California, which is revoked. He holds License No. 1099525 to practice in Kentucky, which was voluntarily surrendered. He holds expired licenses in North Carolina, South Carolina and West Virginia.

2. By letter dated January 7, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Addair notifying him that an informal conference would be held on February 9, 2016. The Notice was sent by certified and first class mail to 12155 Rocky Hill Road, Bristol, Virginia 24202, the address of record on file with the Board of Nursing.

3. Mr. Addair submitted an application for reinstatement of his license to practice professional nursing which was received by the Board on September 22, 2015.

4. By Order entered January 13, 2009, Mr. Addair was placed on probation for 24 months of actual nursing practice, with terms and conditions, due to findings that he voluntarily surrendered his license to practice in Kentucky for a period of one year, upon his admitted diversion of drugs for his personal and unauthorized use.

5. By Order of the Department of Health Professions entered October 27, 2011, Mr. Addair's license was mandatorily suspended due to the revocation of his license by the California Board of Nursing on October 19, 2011, based on the diversion that occurred in Kentucky.

6. By Order entered March 2, 2012, Mr. Addair's application for reinstatement was denied due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Mr. Addair's license was continued on indefinite suspension with said suspension stayed contingent upon entry into the Health Practitioners' Monitoring Program ("HPMP"), and thereafter, complying with all terms and conditions. Mr. Addair failed to enter the HPMP.

7. Mr. Addair reported a sobriety date of April 16, 2007. He has not practiced nursing since 2007 and has been employed in the trucking industry since 2012. Mr. Addair reported that he does not attend any support group meetings.

CONCLUSIONS OF LAW

1. This matter is properly before the Board.
2. The Committee concludes that Michael S. Addair has demonstrated satisfactory evidence that he is prepared to resume practice in a safe and competent manner, with certain restrictions.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. License No. 0001-152616 of Michael S. Addair to practice professional nursing is hereby REINSTATED contingent upon proof of entry into the HPMP pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP.

2. Thereafter, Mr. Addair shall comply with the terms and conditions of the HPMP for the period specified by the HPMP.

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

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

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

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

4. Mr. Addair shall provide the Board with verification that he has completed a Board-approved refresher course prior to returning to practice. This course shall not be credited toward the continued competency requirements for the next renewal of his license.

5. This order shall be applicable to Mr. Addair's multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Mr. Addair shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board

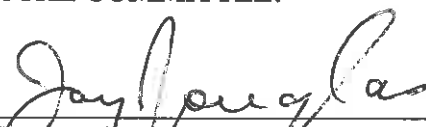
of Nursing and the Board of Nursing in the party state where he wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

6. Mr. Addair 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 on request.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Addair may, not later than 5:00 p.m., on **March 29, 2016**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:



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

ENTERED: February 25TH, 2016

This Order shall become final on **March 29, 2016**, unless a request for a formal administrative hearing is received as described above.