

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:                   MICHAEL SCOTT ADDAIR, R.N. REINSTATEMENT APPLICANT  
                                  LICENSE NO.: 0001-152616**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on February 15, 2012, in Henrico County, Virginia, to receive and act upon Michael Scott Addair's application for reinstatement of his license to practice professional nursing in Virginia and to inquire into evidence that Mr. Addair may have violated certain laws governing professional nursing practice in Virginia and certain terms and conditions imposed on him, as set forth in the Order of the Board entered on February 13, 2009. The case was presented by Anne Glick Joseph, Deputy Director, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Mr. Addair was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Michael Scott Addair was issued License No. 0001-152616 to practice professional nursing in the Commonwealth of Virginia by the Virginia Board of Nursing on March 24, 1997. He was also issued License No. 0024-167226 by the Virginia Committee of the Joint Boards of Nursing and Medicine to practice as a nurse practitioner on December 28, 2006. His primary state of residence is Virginia. By Order of the Virginia

Department of Health Professions entered October 27, 2011, Mr. Addair's license to practice professional nursing was suspended pursuant to § 54.1-2409 of the Code due to the revocation of his license by the California Board of Registered Nursing. Mr. Addair's license to practice as a nurse practitioner in Virginia was suspended at the time his professional nursing license was suspended.

2. The California Board of Registered Nursing revoked Mr. Addair's professional nursing license on October 19, 2011 because Mr. Addair had failed to reveal on an application for renewal of his California license that he had pled guilty to and been convicted of 36 counts of "theft of a controlled substance, second degree," in the State of Kentucky on or about April 30, 2008. Mr. Addair was placed on first offender status and two years of unsupervised probation with terms and conditions.

3. Previously, the Virginia Board of Nursing ("Board") by Order entered February 13, 2009, ("Board's Order") had placed Mr. Addair on probation under certain terms and conditions for not less than two years of actual professional nursing practice based on findings that Mr. Addair had diverted drugs for his own personal and unauthorized use while employed as a contract nurse anesthetist in Kentucky.

4. Term 1(d) of the Board's Order required Mr. Addair to submit quarterly reports of recovery group attendance, pursuant to the recommendation of a chemical dependency specialist. Mr. Addair failed to submit the report due September 30, 2009. He submitted eight reports late.

5. Term 1(f) of the Board's Order required Mr. Addair to submit to monthly drug screens. He failed to submit to drug screens in June and November 2009 and January 2010.

6. Term 1(h) of the Board's Order required Mr. Addair to submit quarterly self-reports. He submitted seven reports either early or late through January 4, 2012.

7. Mr. Addair testified that he believed he had completed the Board's probation. He acknowledged, however, that he never confirmed that fact with the Board so as to relieve him of the responsibility for compliance with the Board's Order.

**CONCLUSIONS OF LAW**

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 4 constitutes a violation of Term 1(d) of the Board's Order.
3. Finding of Fact No. 5 constitutes a violation of Term 1(f) of the Board's Order.
4. Finding of Fact No. 6 constitutes a violation of Term 1(h) of the Board's Order.

**ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Michael Scott Addair for reinstatement of License No. 0001-152616 to practice professional nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Mr. Addair be CONTINUED on INDEFINITE SUSPENSION. At such time as he shall petition the Board for reinstatement of his license, a hearing will be convened to determine whether he is able to return to the safe and competent practice of professional nursing.
2. The license shall be recorded as suspended.
3. This suspension shall be applicable to Mr. Addair's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia.
4. Said suspension shall be STAYED upon proof that Mr. Addair has entered into a Contract with the Health Practitioners' Monitoring Program ("HPMP") and upon the following terms and conditions:
  - a. Mr. Addair 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. Addair, and an administrative proceeding shall be held to decide 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. Addair is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or
- ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

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

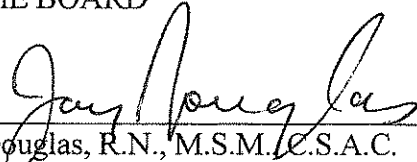
6. This Order shall be applicable to Mr. Addair's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Mr. Addair may not work outside of the Commonwealth of Virginia pursuant to a multistate 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.

7. 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.

8. Mr. Addair is hereby REPRIMANDED.

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.

FOR THE BOARD



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

March 2<sup>nd</sup>, 2012

ENTERED

**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 P. Douglas, R.N., M.S.M., C.S.A.C., 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.