



# 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

October 27, 2011

Michael Scott Addair  
14089 Wallace Pike  
Bristol, VA 24202

RE: License No.: 0001-152616

Dear Mr. Addair,

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered October 27, 2011. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Board of Nursing at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Arne W. Owens, Chief Deputy Director  
Department of Health Professions

Enclosures  
Case # 141360

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE:       MICHAEL SCOTT ADDAIR, R.N.**  
**License No.: 0001-152616**


**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Arne W. Owens, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Michael Scott Addair, R.N., to practice nursing in the State of California was revoked by a Default Decision and Order effective on October 19, 2011. 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 Michael Scott Addair, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Michael Scott Addair, R.N., will be recorded as suspended and no longer current. Should Mr. Addair seek reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

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.

  
\_\_\_\_\_  
Arne W. Owens, Chief Deputy Director  
Department of Health Professions

ENTERED: 10/27/2011



# COMMONWEALTH of VIRGINIA

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

*Department of Health Professions*

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9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

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TEL (804) 367- 4400  
FAX (804) 527- 4475

## CERTIFICATION OF DUPLICATE RECORDS

I, Arne W. Owens, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Default Decision and Order effective October 19, 2011, regarding Michael Scott Addair, R.N., is a true copy of the records received from the State of California Board of Registered Nursing.

  
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Date: 10/27/2011

Arne W. Owens

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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-974

**MICHAEL SCOTT ADDAIR  
RT 1 Box 235A  
Honaker, VA 24260  
Registered Nurse License No. 656199**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

RESPONDENT

FINDINGS OF FACT

1. On or about June 13, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-974 against Michael Scott Addair (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about April 13, 2005, the Board of Registered Nursing (Board) issued Registered Nurse License No. 656199 to Respondent. The Registered Nurse License expired on January 31, 2011 and has not been renewed.

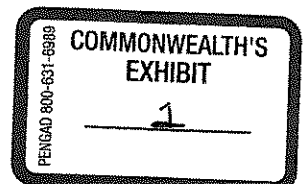
3. On or about June 13, 2011, the Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-974, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16 California Code of Regulations section 1409.1, is required to be reported and maintained with the Board, which was and is:

RT 1 BOX 235A

Honaker, VA 24260

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1           4.    Service of the Accusation was effective as a matter of law under the provisions of  
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
3 124.

4           5.    The United States Postal Service reflects a delivery date of June 21, 2011.

5           6.    Business and Professions Code section 2764 states:

6                    The lapsing or suspension of a license by operation of law or by order or decision of  
7 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive  
8 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding  
9 against such license, or to render a decision suspending or revoking such license.

10          7.    Government Code section 11506 states, in pertinent part:

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

15          8.    Respondent failed to file a Notice of Defense within 15 days after service upon him  
16 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
17 2011-974.

18          9.    California Government Code section 11520 states, in pertinent part:

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

22          10.   Pursuant to its authority under Government Code section 11520, the Board after  
23 having reviewed the proof of service dated, June 13, 2011, finds Respondent is in default. The  
24 Board will take action without further hearing and, based on Accusation No. 2011-974 and the  
25 documents contained in the Default Decision Investigatory Evidence Packet which includes:  
26 Exhibit 1 – Pleadings offered for jurisdictional purposes; Exhibit 2 – License History  
27 Certification for Michael Scott Addair, Registered Nurse License No. 656199; Exhibit 3 –  
28 Kentucky Board of Nursing, Agreed Order, Case # 2007-1044, *In Re: Michael S. Addair, RN*

1 License# 1099525, ARNP 2999-A; Exhibit 4 - Commonwealth of Virginia, Before the Board of  
2 Nursing, Michael S. Addair, R.N., Order; Exhibit 5 – California Renewal Application for  
3 Registered Nursing; Exhibit 6 - Affidavit of Shannon Silberling ; Exhibit 7 - Declaration of costs  
4 by Office of the Attorney General for Prosecution of Case No. 2011-974, and finds that the  
5 charges and allegations in Accusation No. 2011-974 are separately and severally true and correct  
6 by clear and convincing evidence.

7 11. Taking official notice of the Declaration of costs by the Office of the Attorney  
8 General contained in the Default Decision Investigatory Evidence Packet, pursuant to Business  
9 and Professions Code section 125.3, it is hereby determined that the reasonable costs for  
10 Investigation and Enforcement in connection with the Accusation are \$765.00, as of July 1, 2011.

11 DETERMINATION OF ISSUES

12 1. Based on the foregoing findings of fact, Respondent Michael Scott Addair has  
13 subjected his following licenses to discipline:

14 a. Registered Nurse License No. 656199

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

16 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
17 Nurse License based upon the following violations alleged in the Accusation, which are  
18 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this  
19 case.

20 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary  
21 action by another State Board of Nursing.

22 b. Violation of Business and Professions Code section 2761(a)(4) - False  
23 Statement or Information in Application

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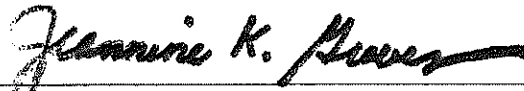
ORDER

1  
2 IT IS SO ORDERED that Registered Nurse License No. 656199, heretofore issued to  
3 Respondent Michael Scott Addair, is revoked.

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

8 This Decision shall become effective on October 19, 2011.

9 It is so ORDERED September 19, 2011

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12 FOR THE BOARD OF REGISTERED NURSING  
13 DEPARTMENT OF CONSUMER AFFAIRS

14  
15 Attachment:

16 Exhibit A: Accusation No. 2011-974  
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# Exhibit A

Accusation No. 2011-974



1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2221  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **MICHAEL SCOTT ADDAIR**  
RT 1 Box 235A  
13 Honaker, VA 24260  
Registered Nurse License No. 656199  
14 Respondent.

Case No. *2011-974*

**ACCUSATION**

17 Complainant alleges:

18 PARTIES

- 19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.
- 22 2. On or about April 13, 2005, the Board of Registered Nursing issued Registered Nurse  
23 License Number 656199 to Michael Scott Addair (Respondent). The Registered Nurse License  
24 expired on January 31, 2011, and has not been renewed.
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1 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
2 action.”

3  
4 (e) Making or giving any false statement or information in connection with the application  
5 for certificate or license.”

6 COST RECOVERY

7 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
8 administrative law judge to direct a licentiate found to have committed a violation or violations of  
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case.

11 FIRST CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct – Out of State Discipline)  
13 (Bus. & Prof. Code § 2761, subd. (a)(4))

14 9. Respondent has subjected his registered nurse license to disciplinary action under  
15 Code section 2761, subdivision (a)(4), in that on or about February 20, 2008, in a disciplinary  
16 action before the Kentucky Board of Nursing (Kentucky Board), Case No. 2007-1044, the  
17 Kentucky Board entered an Agreed Order accepting Respondent’s voluntary surrender of his  
18 Kentucky registered nurse license and advanced registered nurse practitioner registration for at  
19 least one year. The Agreed Order stated that the Kentucky Board had probable cause to believe  
20 that Respondent had violated Kentucky law.

21 SECOND CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct – Out of State Discipline)  
23 (Bus. & Prof. Code § 2761, subd. (a)(4))

24 10. Complainant realleges the allegations contained in paragraph 9 above, and  
25 incorporates them by reference as if fully set forth.

26 11. Respondent has subjected his registered nurse license to disciplinary action under  
27 Code section 2761, subdivision (a)(4), in that on or about February 13, 2009, in a disciplinary  
28 action before the Virginia Board of Nursing (Virginia Board), the Virginia Board entered an  
Order placing Respondent’s Virginia registered nurse license on probation for 24 months. The

1 Order required Respondent to: (1) complete 24 months of active employment as a registered  
2 nurse; (2) inform the Board in writing within 10 days of the date he begins nursing practice,  
3 changes employment, or experiences any interruption in nursing practice; (3) provide the name  
4 and address of each employer to the Board; (4) inform his current nursing employer and each  
5 future nursing employer that the Virginia Board has placed him on probation and provide each  
6 employer with a complete copy of the Order and if employed with a staffing agency, inform his  
7 supervisor in each facility where assigned that he is on probation; (5) undergo an evaluation by a  
8 chemical dependency specialist satisfactory to the Board and have a written report of the  
9 evaluation, including diagnosis, a recommended course of therapy, and a prognosis sent to the  
10 Board within 45 days from the entry of the Order; (6) comply with any recommendations of the  
11 specialist and if therapy is recommended, submit quarterly written progress reports from the  
12 therapist to the Board until Respondent is released from therapy; (7) abstain from alcohol or any  
13 other mood altering chemical, except as prescribed by a health care practitioner with whom  
14 Respondent has a bona fide practitioner/patient relationship for accepted medicinal or therapeutic  
15 purposes; (8) have one supervised and unannounced random drug screen per month by a Board-  
16 approved testing entity, which includes testing for alcohol, Fentanyl, and opiates; (9) provide all  
17 current and future treating practitioners with a complete copy of the Order and execute an  
18 "Authorization for Disclosure of Information" form allowing unrestricted communication  
19 between the Board and any court-appointed probation or parole officers and any consultants  
20 designated by the Board; (10) submit quarterly self-reports to the Board which include a current  
21 address, telephone number, verification of all current employment, and employment status;  
22 (11) return all copies of his license to the Board so that a new license can be issued that reflects  
23 the probationary status of his license; and (12) conduct himself as a professional nurse.

24 12. The underlying conduct supporting the Virginia Board's disciplinary action is that on  
25 or about November 10, 2008, the Virginia Board sent Respondent a Notice of Informal  
26 Conference notifying him, that an informal conference would be held before the Virginia Board  
27 on or about December 9, 2008. According the Virginia Board's Order, Respondent's voluntary  
28 surrender of his Kentucky license and registration as stated in paragraph 9 above, was based upon

1 his admitted diversion of drugs for his own personal and unauthorized use between February  
2 2007, and April 2007, while employed as a contract anesthetist with Whitesburg Appalachian  
3 Regional Hospital in Whitesburg, Kentucky. Furthermore, on or about April 30, 2008,  
4 Respondent pled guilty to 36 misdemeanor counts of "theft of a controlled substance, second  
5 degree," in Letcher County Circuit Court of the Court of Justice for the Commonwealth of  
6 Kentucky. Respondent was sentenced to 12 months of imprisonment, with judgment withheld  
7 pending his successful completion of two years of unsupervised probation.

8 THIRD CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct – False Statement or Information in Application)  
10 (Bus. & Prof. Code § 2761, subd. (e))

11 13. Complainant realleges the allegations contained in paragraphs 9 through 12 above,  
12 and incorporates them by reference as if fully set forth.

13 14. Respondent has subjected his registered nurse license to disciplinary action under  
14 Code section 2761, subdivision (e), in that he made or gave false statements and information to  
15 the California Board in connection with his application for renewal of his California registered  
16 nurse license. The circumstances are as follows:

17 15. On or about December 7, 2008, Respondent submitted a "Renewal Application for  
18 Registered Nurse" to the California Board of Registered Nursing. In his renewal application,  
19 Respondent denied having been convicted of or pleading nolo contendere to any violation of the  
20 law in California or any other U.S. state or foreign country since he last renewed his license.  
21 Prior to December 2008, Respondent last renewed his license on or about December 1, 2006.  
22 Respondent's denial of having been convicted of any violation of the law since he last renewed  
23 his license constitutes a misrepresentation because on or about April 30, 2008, he pled guilty to  
24 and was convicted of 36 counts of "theft of a controlled substance, second degree," in Letcher  
25 County Circuit Court of the Court of Justice for the Commonwealth of Kentucky.

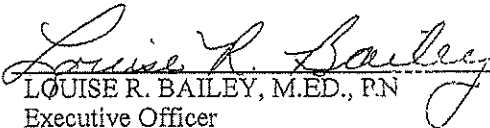
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 656199, issued to Michael Scott Addair;
2. Ordering Michael Scott Addair to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: June 13, 2011

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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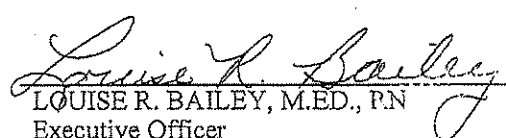
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1. Revoking or suspending Registered Nurse License Number 656199, issued to Michael Scott Addair;
2. Ordering Michael Scott Addair to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: June 13, 2011

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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