

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

WALTER BRIAN ECHOLS, R.N.

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 March 18, 2009, in Henrico County, Virginia, to inquire into evidence that Walter Brian Echols, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Mary Beth Shelton, Adjudication Specialist, Administrative Proceedings Division. Ishneila Moore, Assistant Attorney General, was present as legal counsel for the Board. Mr. Echols 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. Walter Brian Echols, R.N., was issued License No. 0001-119880 to practice professional nursing in the Commonwealth of Virginia on August 29, 1990. Said license expires on October 31, 2010.
2. During the course of his employment at Catawba Hospital, Catawba, Virginia, on June 13, 2007:
 - a. Mr. Echols gave a patient his medications without following proper behavioral guidelines for this patient, which were in place for the safety of the patient.
 - b. The narcotic count at the beginning of Mr. Echols' shift for Lorazepam 1mg indicated there were 30 tablets in stock. The narcotic count at the end of his shift indicated there were still 30 tablets in stock; however, he had signed out 2 tablets of Lorazepam 1mg for Patient A.

c. A review of the Medication Sign Out sheet indicated that Mr. Echols signed out one Lorazepam 1mg tablet at 1315 hours for Patient A. Subsequently, he documented signing out one Lorazepam 1mg tablet at 1115 hours for Patient A.

d. Mr. Echols was observed to exhibit slow speech and motor activity, and difficulty with cognition and conversation.

e. A urine drug screen submitted on June 13, 2007, was negative.

f. As a result of 2(a) through (d) above, Mr. Echols' employment was terminated on June 18, 2007.

3. During the course of his employment at Centra Health – Virginia Baptist Hospital, Lynchburg, Virginia, between January 2008 and February 18, 2008:

a. On various occasions Mr. Echols was observed to be lethargic, with slurred speech, and exhibited difficulty completing tasks and processing information. A urine drug screen submitted on February 16, 2008, was negative.

b. Upon admission to the facility, patients turned their personal medications over to the pharmacy to be held until discharge. On February 7, 2008, Mr. Echols signed out four patients' personal medications without explanation, and kept them in a file drawer.

c. As a result of the above, Mr. Echols' employment was terminated on February 18, 2008.

d. The evidence did not indicate that Mr. Echols diverted any patient medication from Centra Health – Virginia Baptist Hospital.

4. From June 18, 2007, through June 24, 2007, Mr. Echols received inpatient treatment at a facility for mental health issues. Mr. Echols was discharged with a guarded to fair prognosis, dependent on continued compliance with outpatient follow up. Despite his acknowledgement of life-long mental health issues, he subsequently terminated all treatment with his mental health providers, including stopping all

medications prescribed for him.

5. By letter dated March 6, 2008, Clifford A. Nottingham, M.D., Carilion Clinic, Roanoke, Virginia, reported that Mr. Echols had no depression, anxiety or other behavioral/emotional issues, and overall feels healthy now off all psychotropic agents.

6. By letter dated March 20, 2009, Sandy Harris, R.N., B.S.N., Unit Director, Carilion Roanoke Memorial Hospital, reported that Mr. Echols met all standards on his last performance appraisal, and that he is professional, resourceful, dependable, knowledgeable, and a role model for others.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2(a) constitutes a violation of § 54.1-3007(5) of the Code.
2. Findings of Fact Nos. 2(b) and (c) constitute a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations").
3. Finding of Fact No. 2(d) constitutes a violation of § 54.1-3007(6) of the Code.
4. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(6) of the Code.
5. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(5) of the Code.
6. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

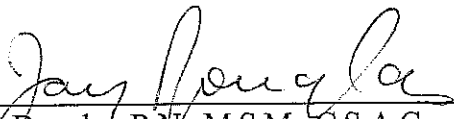
ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby defers disposition of this matter pending Mr. Echols submitting to a mental health evaluation by a specialist satisfactory to the Board and having a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within forty-five (45) days from the date this Order is entered. Upon receipt of the required information, the Board may request that Mr. Echols appear before a Special Conference Committee in order to consider the specialist's recommendations and to make a final disposition of the matter.

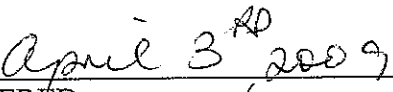
Mr. Echols shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of Nursing.

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



ENTERED

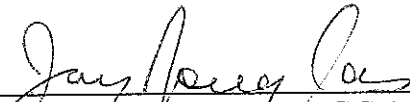
NOTICE OF RIGHT TO APPEAL

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, Richmond, 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.

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Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to Walter Brian Echols, R.N., at 11 Pitzer Court, Hardy, Virginia 24101.



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

RD
April 3, 2009
DATE