

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       ROGER WALKER, R.N.**  
**License No.: 0001-177510**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on September 4, 2014 in Henrico County, Virginia. Roger Walker, R.N. was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Walker was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Roger Walker, R.N. was issued License No. 0001-177510 to practice professional nursing in Virginia on December 6, 2001. The license is scheduled to expire on February 28, 2015. Mr. Walker held a license to practice professional nursing in the State of Georgia, which is expired. His primary state of residence is Virginia.

2. By letter dated July 30, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Walker notifying him that an informal conference would be held on September 4, 2014. The Notice was sent by certified and first class mail to 1359 Trayway Drive, Richmond, Virginia 23235, the address of record on file with the Board of Nursing.

3. During the course of his employment with North Atlanta Medical Center, Atlanta, Georgia, for approximately ten months in 2012, by his own admission, Mr. Walker diverted narcotic medications for his personal and unauthorized use. His diversion was discovered when he used the profile of another nurse to access the automated medication dispensing system. His employment was terminated.

4. Mr. Walker stated at the informal conference that he experienced a family tragedy in 2011, which contributed to his heavy drinking, drug use, and gambling. He stated that he had attended AA approximately 12 years ago.

5. On May 6, 2014, Mr. Walker signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in which he acknowledged that his substance abuse impairs his ability to safely practice nursing.

6. Mr. Walker signed a Recovery Monitoring Contract on August 11, 2014. A report from his HPMP case manager dated September 3, 2014 indicated that Mr. Walker was on warning status because he had failed to check in on September 2, 2014 and had thus missed a urine drug screen. In addition, he had missed four sessions of required treatment.

7. During the course of his employment with Southside Regional Medical Center, Petersburg, Virginia ("SRMC"):

a. On June 12, 2013, by his own admission, Mr. Walker intentionally administered Ativan 2mg (lorazepam, Schedule IV) to a patient who was ordered Ativan 1mg. The on-call physician had refused to increase the order. At the time, Mr. Walker stated he would do the same thing again under the same circumstances. Mr. Walker stated at the informal conference that the patient, who was in alcohol withdrawal, was fighting the vent. He acknowledged that he thought that he knew better than the physician what the patient needed because he was familiar with an alcohol withdrawal protocol used at another facility.

b. Between March 1 and June 12, 2013, Mr. Walker withdrew numerous doses of Ativan for various patients and failed to document administration and/or wastage.

c. Mr. Walker's employment with SRMC was terminated.

8. In August 2013, Mr. Walker falsified an application for employment with John Randolph Medical Center, Hopewell, Virginia, by omitting his employment with and termination from SRMC.

9. Mr. Walker is currently employed at a grocery store. He has not been approved by HPMP to seek nursing employment. He stated at the informal conference that he attends AA meetings three times per week and that he started an intensive outpatient treatment program at the end of July. He has a sponsor with 26 years of sobriety. Mr. Walker stated that he was willing do what was required in order to keep his license and continue working in critical care. He stated that he had been clean and sober for 18 months.

#### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

3. Finding of Fact No. 7(a) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(a) of the Regulations.

4. Finding of Fact No. 7(b) constitutes a violation of § 54.1-3007(5) and (8) of the Code.

5. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-177510 of Roger Walker, R.N. is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Mr. Walker shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of professional nursing. Mr. Walker shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon Mr. Walker's continued compliance with the HPMP for the period specified by the HPMP.
6. 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. Walker, and an administrative proceeding shall be held to determine whether his license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
  - a. Mr. Walker is not in compliance with the terms and conditions specified by the HPMP;
  - b. Mr. Walker's participation in the HPMP has been terminated;
  - c. There is a pending investigation or unresolved allegation against Mr. Walker involving a violation of law, regulation, or any term or condition of this order.
7. Upon receipt of evidence of Mr. Walker's participation and successful completion of the HPMP, the Board, at its discretion, may waive his appearance before a Committee and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.
8. This Order is applicable to Mr. Walker's multistate licensure privileges, if any, to practice

professional nursing. For the duration of this Order, Mr. Walker shall 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. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.


9. Mr. Walker is hereby REPRIMANDED.

10. Mr. Walker 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 § 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.


Pursuant to Section 54.1-2400(10) of the Code, Mr. Walker may, not later than 5:00 p.m., on January 6, 2015, 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 BOARD:

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

ENTERED: December 4, 2014

Certified True Copy

By   
Virginia Board of Nursing

This Order shall become final on January 6, 2015, unless a request for a formal administrative hearing is received as described above.