



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
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

Virginia Board of Nursing  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
FAX (804) 527-4455

May 29, 2014

Robert Lowry, Jr., R.N.  
1275 Adial Road  
Faber, Virginia 22938

**CERTIFIED MAIL**  
**7196 9008 9111 9196 5125**

9310 Indiantown Road  
King George, Virginia 22485

**CERTIFIED MAIL**  
**7196 9008 9111 9196 5118**

Re: VA License No.: 0001-120304  
Expiration Date: December 31, 2015

Dear Mr. Lowry:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on June 23, 2014, at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will inquire into allegations that you may have violated certain laws governing nursing practice in Virginia.

Specifically:

1 You may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice professional nursing due to your admitted excessive use of alcohol and narcotics, and recent back surgery as evidenced by the following:

a. Between on or about January 3, 2013, and January 7, 2014, you received 2,140 dosages of narcotic medications from eight different prescribers and filled at seven different pharmacies.

b. Between on or about October 9, 2013, and October 11, 2013, while an inpatient at Martha Jefferson Hospital, Charlottesville, Virginia, you were diagnosed with alcoholic hepatitis and

pancreatitis, and alcohol withdrawal. By your own admission you checked yourself out of the hospital against medical advice because you were confused, in which you attribute to the withdrawal symptoms.

c. On or about October 12, 2013, you were returned to Martha Jefferson Hospital, by ambulance, and readmitted with severe alcohol withdrawal with hallucinations and bizarre behavior.

d. On or about November 26, 2013, you had discs T2 through L2 fused and Harrington rods placed. By your own admission, you have approximately a six-month period of recovery. Further, you advised that you are seeking treatment with a pain management specialist to manage your post surgical pain.

2. You may have violated § 54.1-3007(5) of the Code in that on or about October 10, 2013, while an inpatient at Martha Jefferson Hospital, where you were employed, you used your hospital badge to access the medication room to retrieve an intravenous bag of fluid for your I.V. Further, on or about October 13, 2013, you were re-admitted to the hospital through the emergency department, where you were reported to be loud and insistent that you be allowed to access the ground floor of the hospital. Later you were observed at the nurses' station accessing the computer and printing out information from the electronics records system.

In its deliberations, the Committee may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you; or
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4502, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by June 16, 2014. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice, can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.  
Deputy Executive Director

GDM/sts

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Special Conference Committee Members  
Cynthia E. Gaines, Adjudication Specialist  
Ann S. Hardy, R.N., Senior Investigator (Case No. 153380)  
Peggy Wood, Monitoring Program Manager