

Certified True Copy

By David E. Brown
Virginia Board of Nursing



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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

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TEL (804) 367- 4400
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October 27, 2015

William Bruce Johnston
2509 Huntington Avenue
Alexandria, VA 22303

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

RE: License No.: 0001-150713

DATE 10/27/15

Dear Mr. Johnston:

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, 2015. 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 Virginia 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,

Jason Brown, Deputy Director for Administration
Department of Health Professions

Enclosures
Case # 170214

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: WILLIAM BRUCE JOHNSTON, R.N.
License No.: 0001-150713**

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Jason Brown, Deputy Director for Administration, of the Virginia Department of Health Professions, received and acted upon evidence that the license of William Bruce Johnston, R.N., to practice nursing in the State of Washington was suspended by an Agreed Order dated September 25, 2015. A certified copy of the Agreed 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 privilege of William Bruce Johnston, R.N., to renew his license to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of William Bruce Johnston, R.N., will be recorded as suspended and no longer current. Should Mr. Johnston 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.



Jason Brown, Deputy Director for Administration
Department of Health Professions

ENTERED: _____

10/27/2015



COMMONWEALTH of VIRGINIA

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CERTIFICATION OF DUPLICATE RECORDS

I, Jason Brown, Deputy Director for Administration, of the Department of Health Professions, hereby certify that the attached Agreed Order dated September 25, 2015, regarding William Bruce Johnston, R.N., is a true copy of the records received from the State of Washington, Department of Health, Nursing Care Quality Assurance Commission.



Jason Brown

Date: 10/27/2015

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of

WILLIAM BRUCE JOHNSTON
Credential No. RN.RN.00077243

Respondent

No. M2015-885

**STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
AGREED ORDER**

The Nursing Care Quality Assurance Commission (Commission), through Sara Kirschenman, Department of Health Staff Attorney, and Respondent, represented by counsel, if any, stipulate and agree to the following:

1. PROCEDURAL STIPULATIONS

- 1.1 On August 14, 2015, the Commission issued a Statement of Charges against Respondent.
- 1.2 Respondent understands that the Commission is prepared to proceed to a hearing on the allegations in the Statement of Charges.
- 1.3 Respondent understands that if the allegations are proven at a hearing, the Commission has the authority to impose sanctions pursuant to RCW 18.130.160.
- 1.4 Respondent has the right to defend against the allegations in the Statement of Charges by presenting evidence at a hearing.
- 1.5 Respondent waives the opportunity for a hearing on the Statement of Charges provided that the Commission accepts this Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Agreed Order).
- 1.6 The parties agree to resolve this matter by means of this Agreed Order.
- 1.7 Respondent understands that this Agreed Order is not binding unless and until it is signed by the Commission and served by the Adjudicative Clerk Office.
- 1.8 If the Commission accepts this Agreed Order, it will be reported to the National Practitioner Databank (45 CFR Part 60) and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act (Chap. 42.56 RCW) and the Uniform Disciplinary Act. RCW 18.130.110.

ORIGINAL



1.9 If the Commission rejects this Agreed Order, Respondent waives any objection to the participation at hearing of any Commission members who heard the Agreed Order presentation.

2. FINDINGS OF FACT

Respondent and the Commission stipulate to the following facts:

2.1 On September 17, 1982, the state of Washington issued Respondent a credential to practice as a registered nurse. Respondent's credential is currently active on probation.

2.2 On August 29, 2014, the Commission entered a Stipulation to Informal Disposition In the Matter of William B. Johnston No. M2014-314 (2014 Stipulation), effective September 2, 2014. The 2014 Stipulation placed Respondent's credential on probation subject to terms and conditions, which included:

A. Respondent shall cause his health care employer to submit quarterly performance evaluation reports directly to the Commission on forms provided by the Department. If Respondent is not employed as a registered nurse, Respondent shall submit quarterly declarations, under penalty of perjury, on forms provided by the Department, stating dates of unemployment as a registered nurse, in lieu of the employer reports. The first employer report or unemployment declaration shall be due ninety (90) days from the effective date of this Stipulation. Reports or declarations shall be submitted every three (3) months thereafter, for twelve (12) months or until otherwise ordered by the Commission. (Paragraph 3.4 of the 2014 Stipulation)

B. Respondent shall submit quarterly personal progress reports directly to the Commission, on forms supplied by the Department. The first report is due ninety (90) days from the effective date of this Stipulation and reports must be submitted every three (3) months thereafter for the duration of the probationary period or until otherwise ordered by the Commission. (Paragraph 3.5 of the 2014 Stipulation)

C. In addition to mandatory continuing education, within nine (9) months of the effective date of this Stipulation, Respondent shall complete fourteen (14)

hours of continuing education, pre-approved by the commission or its designee, as follows:

- i. Six (6) hours of continuing education in the area of ethics; and
- ii. Eight (8) hours of continuing education in the area of assessment.

Respondent shall provide the Commission with proof of completion of such continuing education with thirty (30) days of such completion. (Paragraph 3.7 of the 2014 Stipulation)

2.3 On June 4, 2015, Respondent told the Commission's compliance officer that he had retired from nursing practice.

2.4 Respondent failed to comply with paragraphs 3.4, 3.5 and 3.7 of the 2014 Stipulation. Specifically, the Commission has not received the quarterly performance evaluation report or unemployment declaration, quarterly personal progress report, or proof of completion of continuing education, which were all due on June 2, 2015.

3. CONCLUSIONS OF LAW

The Commission and Respondent agree to the entry of the following Conclusions of Law:

3.1 The Commission has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 Respondent has committed unprofessional conduct in violation of RCW 18.130.180(9).

3.3 The above violation provides grounds for imposing sanctions under RCW 18.130.160.

4. COMPLIANCE WITH SANCTION RULES

4.1 The disciplining authority applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplining authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."

4.2 The sanction schedules stated in rule do not address the conduct in this case. RCW 18.130.390 and WAC 246-16-800(2)(d) require the disciplining authority to use its judgment to determine appropriate sanctions when the sanction schedules do not

address the conduct in question. The Commission determined that indefinite suspension is appropriate to protect the health and safety of the public.

5. AGREED ORDER

Based on the Findings of Fact and Conclusions of Law, the Commission and Respondent agree to entry of the following Agreed Order:

5.1 Respondent's credential to practice as a registered nurse in the state of Washington is **INDEFINITELY SUSPENDED**.

5.2 Prior to petitioning for reinstatement of Respondent's nursing credential, Respondent shall comply with paragraphs 3.2 and 3.7 from the 2014 Stipulation, as follows:

A. Respondent shall reimburse costs to the Commission in the amount of one thousand dollars (\$1,000.00). The reimbursement shall be paid by certified or cashier's check or money order, made payable to the Department of Health and mailed to the Department of Health, Nursing Commission at PO Box 1099, Olympia, WA 98507-1099. Credit or Debit cards can also be used for payment at the front counter of the Department of Health building at 111 Israel Road SE, Tumwater, WA 98501, during regular business hours.

B. in addition to mandatory continuing education, Respondent shall complete fourteen (14) hours of continuing education, pre-approved by the Commission or its designee, as follows:

- i. Six (6) hours of continuing education in the area of ethics; and
- ii. Eight (8) hours of continuing education in the area of assessment.

Respondent shall provide the Commission with proof of completion of such continuing education within thirty (30) days of such completion.

5.3 Respondent may petition for reinstatement pursuant to RCW 18.130.150. The Commission may agree to an order of reinstatement. If the disciplining authority does not agree, a hearing may be held on the petition. An order of reinstatement based on an agreement or following a hearing may impose any terms and conditions listed in RCW 18.130.160 as deemed necessary by the Commission to protect the public and/or rehabilitate Respondent's practice. Additional terms and conditions shall

include, but not be limited to, completing any outstanding terms and conditions from the 2014 Stipulation.

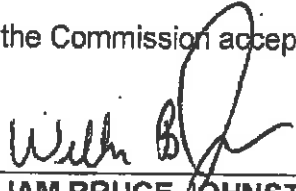
5.4 Any documents required by this Agreed Order shall be sent to Nursing Commission Compliance at PO Box 47864, Olympia, WA 98504-7864.

5.5 Respondent is responsible for all costs of complying with this Agreed Order.

5.6 The effective date of this Agreed Order is the date the Adjudicative Clerk Office places the signed Agreed Order into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Agreed Order.

6. ACCEPTANCE

I, WILLIAM BRUCE JOHNSTON, have read, understand and agree to this Agreed Order. This Agreed Order may be presented to the Commission without my appearance. I understand that I will receive a signed copy if the Commission accepts this Agreed Order.



WILLIAM BRUCE JOHNSTON
RESPONDENT

9/7/15

DATE

_____, WSBA #
ATTORNEY FOR RESPONDENT

DATE

8. ORDER

The Commission accepts and enters this Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

DATED: 9/25, 2015

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION

Sara E. Howell, R.N.
PANEL CHAIR

PRESENTED BY:

Sara J. Kirschenman
SARA J. KIRSCHENMAN, WSBA #35571
DEPARTMENT OF HEALTH STAFF ATTORNEY

9/22/15
DATE