

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

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 September 17, 2015, in Henrico County, Virginia, to inquire into evidence that Roger D. Walker, R.N., may have violated certain terms and conditions imposed on him, as set forth in the Order of the Board entered on December 4, 2015, and certain laws governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. Walker 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. Roger D. Walker, R.N., was issued License No.0001-177510 to practice professional nursing in the Commonwealth of Virginia on December 6, 2001. By Order of the Board entered December 4, 2014 ("Board's Order"), Mr. Walker's license to practice professional nursing was indefinitely suspended, with the suspension stayed contingent upon certain terms and conditions. By letter dated June 12, 2015, the stay was rescinded and Mr. Walker's license to practice professional nursing was suspended.

2. On June 12, 2015, Mr. Walker was dismissed from the Health Practitioners' Monitoring Program ("HPMP") for noncompliance with his program contract. Specifically, Mr. Walker missed calling the drug screening test line six times between August 18, 2014, and February 19, 2015, failed to test on

September 2, 2014, missed treatment sessions and healthcare professionals' group meetings, failed to submit the required HPMP paperwork on time, and failed to communicate with the HPMP.

3. Mr. Walker's sponsor and another friend in recovery testified that Mr. Walker is committed to his sobriety and has had significant positive personal changes as he works through his addiction.

4. Mr. Walker testified that he was unable to afford the assessments that HPMP initially told him to undergo, but HPMP eventually helped him find an assessment program he could afford. He told the Board that he was overwhelmed by life and the burden of HPMP at the time. Mr. Walker further stated that he has been pursuing his sobriety since 2013, with a sobriety date of April 13, 2013.

5. Mr. Walker stated that if the Board chose to instruct him to return to HPMP he would do his best to comply with the program.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 2 constitutes a violation of Term No. 5 of the Board's Order entered December 4, 2014, and § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-177510 issued to Roger D. Walker to practice professional nursing in the Commonwealth of Virginia is hereby CONTINUED on INDEFINITE SUSPENSION.

2. The license of Mr. Walker will be recorded as SUSPENDED. Should Mr. Walker seek reinstatement of his license consistent with this Order, he shall be responsible for any fees that may be required for the reinstatement of his license prior to issuance of his license to resume practice.

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 able to return to the safe and competent practice of professional nursing.

4. This Order shall be applicable to Mr. Walker's multistate licensure privileges, if any, to practice professional nursing.

5. Said suspension shall be STAYED upon proof that Mr. Walker has entered into a Recovery Monitoring Contract with the HPMP and upon the condition that he remain compliant with the following terms and conditions:

a. Mr. Walker shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

b. 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 decide whether his license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Mr. Walker is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

6. Upon receipt of evidence of Mr. Walker's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Mr. Walker's appearance before the Board, and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.

7. This Order shall be applicable to Mr. Walker's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Mr. Walker may 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.

8. Mr. Walker is hereby REPRIMANDED.

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

October 13, 2015
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, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, 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.

Certified True Copy

By *dgraham*
Virginia Board Of Nursing