

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

BILLY RAY LYONS, R.N.

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Nursing ("Board") met on December 6, 2010, in Henrico County, Virginia, to inquire into evidence that Billy Ray Lyons, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. Mr. Lyons was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Billy Ray Lyons, R.N., was issued License No. 0001-162462 to practice professional nursing by the Board on January 21, 1999. Said license is set to expire on March 31, 2011. Mr. Lyons was also issued License No. 0002-044445 to practice practical nursing by the Board on May 29, 1991. Said license expired on March 31, 1999. Mr. Lyons' primary state of residence is Virginia.
2. By letter dated November 19, 2010, the Board sent a Notice of Informal Conference ("Notice") to Mr. Lyons notifying him that an informal conference would be held on December 6, 2010. The Notice was sent by certified and first class mail to 393 Goblintown Road, Stuart, Virginia 24171, the address of record on file with the Board.
3. On May 5, 2010, in the course of his employment with Memorial Hospital of Martinsville and Henry County, Martinsville, Virginia, Mr. Lyons left hospital property while assigned to two intensive care

patients without notifying his supervisors. At the informal conference, Mr. Lyons acknowledged his actions and stated additionally that before he left the hospital he gave his patients their morning medications and conducted his morning assessments. Mr. Lyons stated that he should not have left the hospital without notifying his supervisor or making arrangements for the care of his patients.

4. As Mr. Lyons was leaving the hospital on May 5, 2010, he diverted two bottles of Diprivan (propofol – Schedule IV) and materials for intravenous (“IV”) injections for his personal use. At the informal conference, Mr. Lyons acknowledged that after he left the hospital he used the diverted medications and IV materials in a suicide attempt. Mr. Lyons was subsequently admitted to Southern Virginia Mental Health Institute, Danville, Virginia, where he was diagnosed with severe depression. Mr. Lyons was discharged from Southern Virginia Mental Health Institute on May 27, 2010.

5. On August 5, 2010, Mr. Lyons executed a Recovery Monitoring Contract with the Health Practitioners’ Monitoring Program (“HPMP”) in which he acknowledged that he may be unsafe to practice due to mental illness. At the informal conference, in response to questions concerning his mental health, Mr. Lyons stated that he currently has a strong support system of family and friends around him. Mr. Lyons stated further that he is taking his prescribed anti-depression medication regularly and receives individual therapy one time per month. In an HPMP Compliance Report, dated December, 2, 2010, Mr. Lyons’ case manager reported that he is compliant with the requirements of his contract and that he has been approved to work within the health care field with certain restrictions. Mr. Lyons is not working at this time, but stated that he is ready to begin working again.

6. Mr. Lyons was employed by the Memorial Hospital of Martinsville and Henry County for over ten years and was placed on medical leave due to the May 5, 2010, incident. Mr. Lyons’ employment was subsequently terminated on September 24, 2010, when his medical leave had been exhausted.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Findings of Facts Nos. 4 and 5 constitute a violation of §54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Billy Ray Lyons, L.P.N., is hereby REPRIMANDED.
2. Mr. Lyons shall comply with all terms and conditions for the period specified by the HPMP.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Lyons, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. Lyons shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Mr. Lyons is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against Mr. Lyons involving a violation of law or regulation or any term or condition of this Order; or
 - c. Mr. Lyons has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Lyons’ participation in and compliance with the HPMP, the Board, at its discretion, may waive Mr. Lyons’s appearance before the Board and conduct an administrative review of this matter.
4. This Order is applicable to Mr. Lyons’ multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Lyons shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the

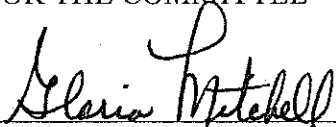
written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Mr. Lyons wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

5. Mr. Lyons 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.

This Order is subject to appeal to the Board. If Mr. Lyons desires a formal administrative hearing before the Board pursuant to §§2.2-4020 and 2.2-4021 of the Code, he must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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 COMMITTEE


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

ENTERED: December 21, 2010

Certified True Copy

By 
Virginia Board of Nursing