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VIRGINIA:

BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE: **JAMES FORD, Jr., R.N.**
License No.: 0001-200850

CONSENT ORDER

The Virginia Board of Nursing ("Board") and James Ford, Jr., R.N., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Ford's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. James Ford, Jr., R.N., was issued License No. 0001-200850 to practice professional nursing by the Virginia Board of Nursing on May 12, 2006. Said license is set to expire on January 31, 2013. His primary state of residence is Virginia.
2. During the course of his employment at the VCU Medical Center, Richmond, Virginia, from January, 2010, to May, 2010, Mr. Ford diverted 172 dosage units of oxycodone (Schedule II). Mr. Ford accomplished the diversion by removing from the Pyxis system more medication than the patients required and diverting the excess medication for his own personal and unauthorized use.
3. On May 24, 2010, Mr. Ford signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in which he admitted that he may suffer from the disease of chemical abuse based on his self report of chemical abuse issues. From July 26, 2010, to February 1, 2012, Mr. Ford signed five Recovery Monitoring Contracts with the HPMP.
4. By letter dated September 22, 2010, the HPMP Committee and the Board granted Mr. Ford a stay of disciplinary action.

5. On February 14, 2011, HPMP approved Mr. Ford to return to practice, and Envoy of Westover Hills, Richmond, Virginia, employed Mr. Ford.

6. On January 4, 2012, Mr. Ford submitted a drug screen that tested positive for oxazepam (Schedule IV). The screen was re-tested on January 14, 2012, and again the screen tested positive for oxazepam. On January 11, 2012, Mr. Ford submitted a second drug screen that was positive for oxazepam.

7. By letter dated January 17, 2011, the HPMP Committee vacated the stay of disciplinary action based on the positive drug screens.

8. Mr. Ford denies using oxazepam. Mr. Ford's HPMP case manager stated on April 17, 2012, that he has no concerns regarding Mr. Ford's safety to practice nursing.

CONCLUSIONS OF LAW

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

2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

James Ford, Jr., R.N., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against him;
4. He waives all such right to an informal conference;

5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. He consents to the entry of the following Order affecting his right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time contingent upon Mr. Ford's continued compliance with the terms and conditions specified by the Health Practitioners' Monitoring Program.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Ford, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. Ford shall be noticed to appear before the Board at such time as the Board is notified that:

a. Mr. Ford 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. Ford involving a violation of law or regulation or any term or condition of this Order; or

c. Mr. Ford has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Ford's participation in and compliance with the HPMP, the Board, at its discretion, may waive Mr. Ford's appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Mr. Ford's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Ford 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. Ford wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Mr. Ford 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 §§ 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 upon request.

FOR THE BOARD



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

ENTERED: August 29, 2012

SEEN AND AGREED TO:

J. Monte Ford Jr RN
James Ford, Jr., R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Henrico, TO WIT:

Subscribed and sworn to before me, Brandon Favaro, a Notary Public, this 16 day of August, 2012.

My commission expires July 31 2013.

Registration Number 7279017.

Brandon Favaro
NOTARY PUBLIC

