

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ROBERT W. LOWRY, JR., R.N.
License No.: 0001-120304

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 November 16, 2015, in Henrico County, Virginia, to inquire into evidence that Robert W. Lowry, Jr., R.N. may have violated certain laws governing professional nursing practice in Virginia and certain terms and conditions imposed on him, as set forth in the Order of the Board entered on September 16, 2014. The case was presented by Anne Glick Joseph, Deputy Director, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. Lowry 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. Robert W. Lowry, Jr., R.N. was issued License No. 0001-120304 to practice professional nursing by the Virginia Board of Nursing on August 29, 1990. By Consent Order of the Board entered September 16, 2014, said license was suspended, with the suspension stayed contingent on certain terms and conditions. The stay of suspension was withdrawn and the license was suspended on June 12, 2015. Mr. Lowry's primary state of residence is Virginia.
2. Term No. 5 of the Consent Order of September 16, 2014 ("Board's Order") provided that the suspension of Mr. Lowry's license would be stayed contingent on his entry into and compliance with a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP").
3. Mr. Lowry entered into a Participation Contract with the HPMP on November 25, 2014, and a

Recovery Monitoring Contract on February 23, 2015.

4. Mr. Lowry was dismissed from the HPMP on May 15, 2015 for noncompliance. Specifically, he failed to enter and complete treatment as recommended, and he failed to comply with the toxicology screening program. HPMP recommended that Mr. Lowry complete a multidisciplinary assessment due to his long-standing alcohol abuse and physical illnesses requiring morphine. He failed to do so, but based on new information, HPMP changed its recommendation to attending an intensive outpatient program along with his planned methadone treatment. Mr. Lowry failed to start the recommended outpatient program. He missed five calls to the screening program between February and March 2015, and he stopped calling the test line entirely as of March 26, 2015. On four occasions in February and March 2015, he was selected to be screened but failed to do so.

5. Mr. Lowry appeared at the hearing late due to traffic, arriving after the Commonwealth had presented its evidence. Mr. Lowry testified that he attends counseling and NA, and that he has a sponsor. He did not have recent documentation to give the Board regarding his treatment. He stated he is an alcoholic "in the broad sense of the term," and that his date of sobriety is January 12, 2015. Mr. Lowry testified that he currently is taking 55 mg of methadone per day.

6. Mr. Lowry told the Board his noncompliance with HPMP was solely due to the financial burden. Mr. Lowry testified that he has "tabled" returning to nursing, and that returning to nursing is "dubious at best" due to the physical demands of the job.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 5 of the Board's Order entered September 16, 2014.


ORDER

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


1. Robert W. Lowry, Jr., R.N. is hereby REPRIMANDED.
2. License No. 0001-120304 of Robert W. Lowry Jr., R.N., to practice professional nursing in the Commonwealth of Virginia is hereby CONTINUED on INDEFINITE SUSPENSION.
3. The license of Mr. Lowry will be recorded as SUSPENDED. Should Mr. Lowry 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.
4. At such time as Mr. Lowry 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.
5. This Order shall be applicable to Mr. Lowry's multistate licensure privileges, if any, to practice professional nursing.

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


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

December 8, 2015
ENTERED

Original True Copy
By 
Virginia Board Of Nursing

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.