

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

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

**CONSENT ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), an informal conference was held before a Special Conference Committee (“Committee”) of the Board of Nursing (“Board”) on June 23, 2014, in Henrico County, Virginia, to inquire into evidence that Robert Lowry, Jr., R.N., may have violated certain laws governing the practice of nursing in Virginia. Mr. Lowry was present and was not represented by counsel.

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

**FINDINGS OF FACT**

1. Robert Lowry Jr., R.N., was issued License No. 0001-120304 to practice professional nursing by the Virginia Board of Nursing on August 29, 1990. Said license is set to expire on December 31, 2015. Mr. Lowry’s primary state of residence is Virginia.
2. By letter dated May 29, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Lowry notifying him that an informal conference would be held on June 23, 2014. The Notice was sent by certified and first class mail to 1275 Adial Road, Faber, Virginia 22938, the address of record on file with the Board of Nursing. The Notice was also sent to 9310 Indiantown Road, King George, Virginia 22485, a secondary address.
3. Between January 3, 2013, and January 7, 2014, Mr. Lowry obtained 1,760 dosages of narcotic medications.

4. Between October 9, 2013, and October 11, 2013, while an inpatient at Martha Jefferson Hospital, Charlottesville, Virginia, Mr. Lowry was diagnosed with alcoholic hepatitis and pancreatitis, and alcohol withdrawal. Mr. Lowry checked himself out of the hospital against medical advice because he was confused, which he attributed to the withdrawal symptoms.

5. On October 12, 2013, Mr. Lowry was returned to Martha Jefferson Hospital, by ambulance, and readmitted with severe alcohol withdrawal with hallucinations and bizarre behavior.

6. On November 26, 2013, Mr. Lowry had discs T2 through L2 fused. He has approximately a six-month period of recovery. Further, Mr. Lowry advised that he is seeking treatment with a pain management specialist to manage his post surgical pain.

7. Mr. Lowry stated to the Committee that his surgeon has released him to return to work with a weight lifting limit of 30 lbs., which will be a lifelong limit.

8. October 10, 2013, while an inpatient at Martha Jefferson Hospital, where Mr. Lowry was employed, he used his hospital badge to access the medication room to retrieve an intravenous bag of fluid for his I.V. Further, on October 13, 2013, after he was re-admitted to the hospital through the emergency department, he was reported to be loud and insistent that he be allowed to access the ground floor of the hospital. Later Mr. Lowry was observed at the nurses' station accessing the computer and printing out information from the electronic records system.

9. Mr. Lowry stated to the Committee that he has not consumed alcohol since his hospitalizations in October 2013. Mr. Lowry stated that he had a driving under the influence conviction in 2007. He provided a letter dated November 14, 2011, acknowledging that he entered Blue Ridge First Step, Inc., which is an intensive outpatient program, but did not provide any evidence that he successfully completed the program.

10. Mr. Lowry stated that he does not attend Alcoholics Anonymous or any other support group. He has contacted the Health Practitioners' Monitoring Program ("HPMP"), but has not entered. He stated that he will enter the HPMP if it is required by the Board.

### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 through 6 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(5) of the Code.
3. Based on the above Findings of Fact, Mr. Lowry is a candidate for the Health Practitioners' Monitoring Program.

### CONSENT

Robert Lowry, 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 formal fact finding hearing 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 a formal hearing;
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. License No. 0001-120304 of Robert Lowry, Jr., R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. 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 capable of resuming the safe and competent practice of professional nursing. Mr. Lowry shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon proof of Mr. Lowry's entry into the HPMP and compliance with a Recovery Monitoring Contract with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
  - a. Mr. Lowry shall comply with all terms and conditions 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. Lowry, and an administrative proceeding shall be held to determine 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. Lowry is not in compliance with the terms and conditions specified by the HPMP;
    - ii. Mr. Lowry's participation in the HPMP has been terminated;
    - iii. There is a pending investigation or unresolved allegation against Mr. Lowry

involving a violation of law, regulation, or any term or condition of this order.


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

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

7. Mr. Lowry 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

  
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Jane Ingalls, R.N., Ph.D.  
President, Virginia Board of Nursing

ENTERED: 16 Sept. 2014

SEEN AND AGREED TO:

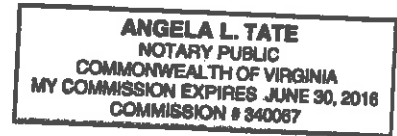
*Robert Lowery, Jr.*  
Robert Lowery, Jr., R.N.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF King George, TO WIT:

Subscribed and sworn to before me, Angela L. Tate, a Notary Public, this 10<sup>th</sup> day of September 2014.

My commission expires: June 30, 2016

Registration Number: 340067



*Angela L. Tate*  
NOTARY PUBLIC

Certified True Copy

By *[Signature]*  
Virginia Board of Nursing