

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DANIEL W. CHISOLM, R.N. REINSTATEMENT APPLICANT
License No.: 0001-228459

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 February 10, 2014, in Henrico County, Virginia, to receive and act upon the application of Daniel W. Chisolm for reinstatement of his license to practice professional nursing in Virginia and to inquire into evidence that Mr. Chisolm may have violated certain laws and regulations governing nursing practice in Virginia. Mr. Chisolm was present and was represented by Rodney Adams, Esquire.

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

FINDINGS OF FACT

1. Daniel W. Chisolm was issued License No. 0001-228459 to practice professional nursing in the Commonwealth of Virginia on December 21, 2010. Said license was suspended by Order of the Board entered on November 23, 2011, due to findings of diversion and substance abuse. Mr. Chisolm holds expired licenses to practice professional nursing in Louisiana, North Carolina and South Carolina. His primary state of residence is Virginia.
2. By letter dated January 7, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Chisolm notifying him that an informal conference would be held on February 10, 2014. The Notice was sent by certified and first class mail to 7506 Marbrett Drive, Apt. 205, Richmond, Virginia 23225, the address of record on file with the Board of Nursing.

3. Mr. Chisolm submitted an application for reinstatement of his license to practice professional nursing which was received by the Board on May 30, 2013.

4. During the course of his employment at Duke University Hospital, Durham, North Carolina, through Medstaff Healthcare Solutions, between August 25, 2011 and September 29, 2011, Mr. Chisolm diverted narcotics for his personal and unauthorized use.

5. Mr. Chisolm reported a sobriety date of October 23, 2011. He was admitted to CJW Medical Center in October, 2011, for detoxification, and received mental health treatment at Jewish Family Services from November 7, 2011 to March 16, 2012. Mr. Chisolm lived at Knarf Recovery House from December 2011 to May 2012. In November 2012, he began receiving mental health and substance abuse treatment at the Hunter Holmes McGuire Veterans Administration Medical Center. Random drug screens are conducted; his last screen was on July 2, 2013, and was negative. He attends Alcoholics Anonymous/Narcotics Anonymous meetings five times a week. He attends weekly individual counseling sessions and is no longer prescribed any anxiety medications. Mr. Chisolm's current treatment provider reported that he has no concerns with his license being reinstated.

6. Mr. Chisolm last practiced at Medstaff Healthcare Solutions and his employment was terminated in September 2011. Prior to his termination, he received good evaluations. Mr. Chisolm is currently unemployed and volunteers as a court appointed special advocate.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

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

3. The Board concludes that Mr. Chisolm has demonstrated satisfactory evidence that he is prepared to resume practice in a safe and competent manner, with certain terms and conditions.

ORDER

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

1. The license of Daniel W. Chisolm to practice professional nursing is hereby REINSTATED contingent upon proof that Mr. Chisolm has entered the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. Upon issuance of a license to practice as a professional nurse, which shall be valid in Virginia only, Mr. Chisolm shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
2. This order shall be applicable to Mr. Chisolm's multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Mr. Chisolm shall not work outside 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. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Daniel W. Chisolm, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. Chisolm shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Mr. Chisolm 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. Chisolm involving a violation of law or regulation or any term or condition of this Order; or
 - c. Mr. Chisolm has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Chisolm's participation in and compliance with the HPMP, the

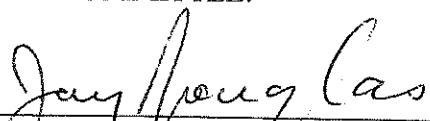
Board, at its discretion, may waive Mr. Chisolm's appearance before the Board and conduct an administrative review of this matter.

4. Mr. Chisolm 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.

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.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Chisolm may, not later than 5:00 p.m., on **March 31, 2014**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.


FOR THE COMMITTEE:



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

ENTERED: February 26th, 2014

This Order shall become final on **March 31, 2014**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing