

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on September 6, 2011, in Henrico County, Virginia. Daniel W. Chisolm, R.N., was not present nor was he represented by legal counsel. Janet Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 16, 2011, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Chisolm was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Daniel W. Chisolm, R.N., was issued License No. 0001-228459 to practice professional nursing in Virginia on December 21, 2010. The license is scheduled to expire on June 30, 2012. Mr. Chisolm holds licenses to practice professional nursing in Louisiana, North Carolina, South Carolina, and Tennessee. All of the licenses are expired, except his license in Tennessee expires on June 30, 2012. His primary state of residence is Virginia.

2. By letter dated August 11, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Chisolm notifying him that an informal conference would be held on

September 6, 2011. The Notice was sent by certified and first class mail to 3101 Cottage Oaks Court, Midlothian, Virginia 23112, the address of record on file with the Board of Nursing. The certified mail receipt and the first class mail were not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Mr. Chisolm and the informal conference proceeded in his absence.

3. On multiple occasions, during the course of his employment with Chippenham Johnston Willis Medical Center, Mr. Chisolm diverted narcotic medication for his personal and unauthorized use, as evidenced by the following:

a. On April 7, 2011, Mr. Chisolm diverted a Dilaudid syringe (hydromorphone – Schedule II), which he accomplished by withdrawing the medication for another nurse's patient, who did not have an order for Dilaudid. Mr. Chisolm claimed that the medication was for his patient, but his patient did not have an order for Dilaudid.

b. Between March 22, 2011, and April 7, 2011, Mr. Chisolm withdrew 14 Dilaudid syringes for Patient A, who was not assigned to his care on 13 of the occasions that he withdrew the medication, and he did not document the administration, wastage or return of the medication.

c. On March 17-19, 2011, Mr. Chisolm withdrew 12 morphine syringes (Schedule II) and nine Percocet tablets (Schedule II) for Patient B, but he failed to document the administration, return or wastage of the medication.

d. On March 23, 2011, Mr. Chisolm withdrew one temazepam (Schedule IV), and on March 25, 2011, Mr. Chisolm withdrew one vial of propofol, both for Patient B, who was not assigned to his care, and he did not document the administration, wastage or return of the medication.

e. Between March 13, 2011, and April 1, 2011, Mr. Chisolm withdrew 13 morphine syringes for Patient C, who did not have an order for the medication, and he did not document the administration, wastage or return of the medication.

f. Between March 13, 2011, and April 1, 2011, Mr. Chisolm withdrew 12 Percocet tablets for Patient C, including two tablets on March 13 and 14, 2011, when Patient C was not assigned to his care. Mr. Chisolm did not document the administration, wastage or return of any of the medication.

g. On March 21, 2011, and March 22, 2011, Mr. Chisolm withdrew two propofol for Patient D, who was not assigned to his care, and Mr. Chisolm did not document the administration, wastage or return of the medication.

h. Between February 2, 2011, and February 8, 2011, Mr. Chisolm withdrew five morphine syringes and one dose of propofol for Patient E, and Mr. Chisolm did not document the administration, wastage or return of the medication.

4. On April 7, 2011, Mr. Chisolm was confronted by Chippenham Johnston Willis Medical Center staff regarding his diversion. Mr. Chisolm left the premises and was never seen again, and his employment was terminated. The source of the complaint and two co-workers came to the informal conference.

5. In April, 2011, a Department of Health Professions' investigator attempted to contact Mr. Chisolm by phone, certified mail and first class mail, and Mr. Chisolm did not respond. On April 19, 2011, the investigator and a Virginia State Police Special Agent made an unannounced visit to Mr. Chisolm's address of record. At the address of record, a relative of Mr. Chisolm stated that Mr. Chisolm no longer lived there. She agreed to forward the investigator's contact information, but refused to provide Mr. Chisolm's contact information to the investigator or the Special Agent. Several minutes after the visit, the Special Agent received a phone call from a man who identified himself as Dan Chisolm. The investigator spoke to the caller, who stated the matter at Chippenham Johnston Willis Medical Center was a "mix-up." The caller further stated that he wanted to give up his nursing

license and get out of the profession. Mr. Chisolm agreed to contact the investigator by April 22, 2011, but failed to do so, and he did not respond to subsequent phone calls.

CONCLUSIONS OF LAW

Finding of Fact No. 3 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.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-228459 of Daniel W. Chisolm, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Mr. Chisolm 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. Chisolm 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.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

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

ENTERED: *November 23, 2011*

This Order shall become final on **December 27, 2011**, unless a request for a formal administrative hearing is received as described above.

Since Mr. Chisolm failed to appear at the informal conference, this Order shall be considered final. Mr. Chisolm has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Chisolm has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.