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VIRGINIA:

BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE: **ERIC S. WYATT, R.N.**
License No.: 0001-220170

CONSENT ORDER

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

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

FINDINGS OF FACT

1. Eric S. Wyatt, R.N., was issued License No. 0001-220170 to practice professional nursing by the Virginia Board of Nursing on July 17, 2009. Said license is set to expire on September 30, 2013. His primary state of residence is Virginia.

2. During the course of his employment with Interim Health Care, Roanoke, Virginia, on May 29 and 30, 2012, Mr. Wyatt diverted hydrocodone (Schedule III) and Ativan (lorazepam, Schedule IV), from two home health clients, for his personal and unauthorized use. Subsequently, Mr. Wyatt submitted his resignation effective June 1, 2012.

3. On August 31, 2012, Mr. Wyatt entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") due to substance abuse. Mr. Wyatt is receiving pain management treatment for complex regional pain syndrome, deep venous thrombosis, history of pulmonary embolus and diabetic neuropathy.

4. Mr. Wyatt falsified the employment application for Interim Health Care dated April 17, 2012, in that:

a. He indicated his reason for leaving Friendship Health and Rehabilitation was “seriously understaffed,” when, in fact, his employment was terminated on October 27, 2011.

b. He indicated his reason for leaving Springtree Health and Rehabilitation was to get out of management, when, in fact, his employment was terminated on June 3, 2011, for failing to meet the mandates of a plan of correction.

5. Mr. Wyatt falsified the employment application for Friendship Health and Rehabilitation dated June 10, 2011, in that he indicated his reason for leaving Springtree Health and Rehabilitation was to have more interaction with patients, when, in fact, his employment was terminated on June 3, 2011, as indicated above.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) and (f) of the Regulations Governing the Practice of Nursing (“Regulations”).

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

3. Findings of Fact Nos. 4 and 5 constitute a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

CONSENT

Eric S. Wyatt, 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. Eric S. Wyatt, R.N., is hereby REPRIMANDED.

2. The Board shall TAKE NO FURTHER ACTION at this time contingent upon Mr. Wyatt's compliance with all terms and conditions of the HPMP for the period specified by the HPMP.

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

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

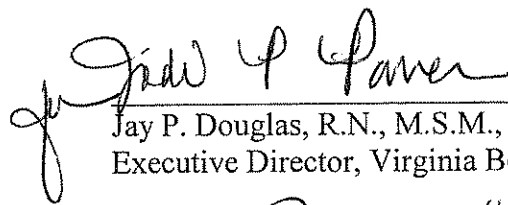
c. Mr. Wyatt has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Wyatt’s participation in and compliance with the HPMP, the Board, at its discretion, may waive Mr. Wyatt’s appearance before the Board and conduct an administrative review of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

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

5. Mr. Wyatt 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



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

ENTERED: January 4, 2013

SEEN AND AGREED TO:

Eric S. Wyatt, R.N.
Eric S. Wyatt, R.N.

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

Subscribed and sworn to before me, Eric Wyatt, a Notary Public, this 27 day of December, 2012.

My commission expires September 30, 2015

Registration Number 7125066

[Signature]
NOTARY PUBLIC

