

0001-114915

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARGARET PHILLIPS, R.N. REINSTATEMENT PPLICANT

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 March 21, 2013, in Henrico County, Virginia, to receive and act upon Margaret Phillips' application for reinstatement of her license to practice professional nursing in Virginia, and to inquire into evidence that Ms. Phillips may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Phillips 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. Margaret Phillips, R.N., was issued License No. 0001-114915 to practice professional nursing in the Commonwealth of Virginia on July 28, 1989. Said license was revoked by Order of the Board entered on November 16, 2005, due to her failure to comply with the terms and conditions of an Order of the Board entered June 16, 2003, which required Ms. Phillips to enter into and remain compliant with the Health Practitioners' Monitoring Program [*formerly the Health Practitioners' Intervention Program*].

2. Ms. Phillips submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on October 24, 2012. Ms. Phillips declared Virginia as her primary state of residence.

3. On June 5, 2006, Ms. Phillips was convicted of felony "Child Endangerment" in the Spotsylvania County, Virginia, Circuit Court. At that same time, she was convicted of felony "Driving under the Influence: Third Offense in Ten Years" in the Spotsylvania County Circuit Court.

4. On June 17, 2008, she was convicted of misdemeanor "Indecent Exposure" in the Fredericksburg, Virginia, General District Court.

5. On September 17, 2008, she was convicted of misdemeanor "Assault on a Family Member" in the Fredericksburg, Virginia, Juvenile and Domestic Relations District Court.

6. On August 21, 2009, she was convicted of misdemeanor "Mental Health: Disorderly on Hospital Grounds" and misdemeanor "Profane Swearing or Intoxication in Public" in the City of Richmond, Virginia, General District Court.

7. On January 22, 2010, she was again convicted of misdemeanor "Profane Swearing or Intoxication in Public" in the City of Richmond General District Court.

8. On January 12, 2011, she was convicted of felony "Unlawful Wounding" in the City of Fredericksburg, Virginia, Circuit Court.

9. Ms. Phillips acknowledges that she has been addicted to alcohol since approximately 1998.

10. Ms. Phillips testified that she has not practiced nursing since 2003.

11. Ms. Phillips completed 15.5 contact hours of continuing education in nursing.

12. Ms. Phillips stated that while she was incarcerated for ten months, she participated in a substance abuse recovery program. Ms. Phillips has completed her probation early in October 2012, and is in good standing.

13. Ms. Phillips provided evidence that she has entered a Participation Contract with Health Practitioners' Monitoring Program ("HPMP") on March 6, 2013, for continued monitoring.

14. Ms. Phillips is currently employed by Micah Ecumenical Ministries, Fredericksburg, Virginia. Ms. Phillips currently works 25 hours per week managing the front desk, kitchen and seven to ten volunteers each day.

15. Ms. Phillips testified she regularly attends Alcoholics Anonymous meetings at her place of employment. Her sponsor has relocated and Ms. Phillips is actively seeking another sponsor. Ms. Phillips states that her date of sobriety is June 25, 2010.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) and (6) of the Code.
2. Findings of Fact Nos. 6 and 7 constitute a violation of §54.1-3007(6) of the Code.
3. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(4) of the Code.
4. Finding of Fact No. 9 constitutes a violation of § 54.1-3007(6) of the Code.
5. Ms. Phillips has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS:

1. License No. 0001-114915 issued to Margaret Phillips to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED contingent upon the following terms and conditions:

- a. Ms. Phillips shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
- b. Any violation of the terms and conditions stated in this Order shall be reason for

revoking the license of Ms. Phillips, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Phillips shall be noticed to appear before the Board at such time as the Board is notified that:

- i. Ms. Phillips is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.
- iii. Ms. Phillips has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Phillips' participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Phillips' appearance before the Board and conduct an administrative review of this matter.

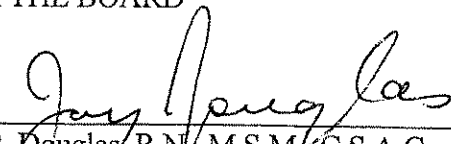
2. This Order shall be applicable to Ms. Phillips' multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Phillips may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

3. Ms. Phillips is hereby REPRIMANDED.

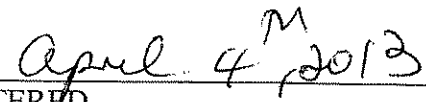
4. Ms. Phillips shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 on request.

FOR THE BOARD



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



ENTERED

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, R.N., M.S.M., C.S.A.C., 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.

Certified True Copy
By 

Virginia Board of Nursing