

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARGARET PHILLIPS, R.N. REINSTATEMENT APPLICANT
License No.: 0001-114915

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Margaret Phillips, who, prior to its revocation by the Board of Nursing on November 16, 2005, held License No. 0001-114915, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on March 21, 2013, at 10:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Phillips will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Phillips has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Phillips desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Phillips’ application for reinstatement of her license to practice professional nursing in Virginia which was revoked by Order of the Board entered on November 16, 2005 (“Board’s Order”), and to inquire into evidence that she may have violated certain laws and regulations governing professional nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Phillips, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice of professional nursing in Virginia.

Pursuant to §54.1-2409 of the Code, reinstatement of Ms. Phillips' license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

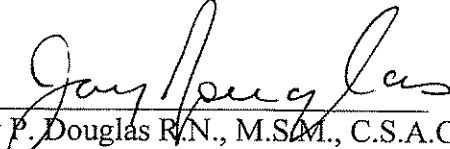
The Board alleges that:

1. Margaret Phillips may have violated §54.1-3007(4) of the Code in that:
 - a. On or about June 5, 2006, Ms. Phillips was convicted of felony "Child Endangerment" in the Spotsylvania County, Virginia, Circuit Court.
 - b. On or about September 17, 2008, she was convicted of misdemeanor "Assault on a Family Member" in the Fredericksburg, Virginia, Juvenile and Domestic Relations District Court.
 - c. On or about June 17, 2008, she was convicted of misdemeanor "Indecent Exposure" in the Fredericksburg, Virginia, General District Court.
 - d. On or about January 12, 2011, she was convicted of felony "Unlawful Wounding" in the City of Fredericksburg, Virginia, Circuit Court.
2. Ms. Phillips may have violated §54.1-3007(4) and (6) of the Code in that on or about June 5, 2006, she was convicted of felony "Driving under the Influence: Third Offense in Ten Years" in the Spotsylvania County Circuit Court.
3. Ms. Phillips may have violated §54.1-3007(6) of the Code in that she may be unsafe to practice as a professional nurse due to substance abuse and/or mental illness, as evidenced by the following:
 - a. By her own admission, she has been addicted to alcohol since approximately 1998.
 - b. On or about August 21, 2009, she was convicted of misdemeanor "Mental Health: Disorderly on Hospital Grounds" in the City of Richmond, Virginia, General District Court.

c. Also on or about August 21, 2009, and again on January 22, 2010, she was convicted of misdemeanor “Profane Swearing or Intoxication in Public” in the City of Richmond General District Court.

4. Ms. Phillips may have violated §54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing in that on her application for reinstatement of licensure as a professional nurse following revocation, which was received by the Board on October 24, 2012, she answered “No” to the question regarding whether she has a mental, physical, or chemical dependency condition which could interfere with her current ability to practice nursing when, in fact, she may suffer from mental illness and/or chemical dependency, as alleged in Allegation No. 3.

FOR THE BOARD


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

ENTERED: March 1, 2013