

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARGARET O. PHILLIPS, R.N.

ORDER

Pursuant to § 2.2-4019, § 2.2-4021, § 54.1-2400(10) and § 54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), a Special Conference Committee ("Committee") of the Board of Nursing met on June 10, 2003, in Henrico County, Virginia, to receive and act upon evidence that Margaret O. Phillips, R.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia. Ms. Phillips was not present and was not represented by counsel. Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT and CONCLUSIONS OF LAW

1. Margaret O. Phillips, R.N. holds License No. 0001-114915, which expires on April 30, 2005.
2. During the course of her employment with Culpeper Regional Hospital, Culpeper, Virginia, Ms. Phillips violated § 54.1-3007(2) and (6) of the Code of Virginia (1950), as amended, in that, on or about April 22 and 23, 2002, hospital personnel reported that Ms. Phillips smelled of alcohol. On or about April 23, 2002, Ms. Phillips submitted to a breath alcohol test, which resulted in a reading of 0.23. A second confirming breath alcohol test resulted in a reading of 0.19. As a result, Ms. Phillips' employment was terminated.
3. During the course of her employment with Excel Staffing Specialists, Fredericksburg, Virginia, at Pratt Medical Center, Fredericksburg, Virginia, Ms. Phillips violated § 54.1-3007(2) and (6) of the Code of Virginia (1950), as amended, in that, on or about May 8, 2002, shortly

after she arrived, Ms. Phillips abruptly left the facility. In her February 3, 2003 interview with the Department of Health Professions' Investigator, Ms. Phillips stated that she left the facility because she had drunk heavily the prior evening and knew she should not be at work because she could not think clearly.

4. Ms. Phillips violated § 54.1-3007(6) of the Code of Virginia (1950), as amended, in that, on or about November 23, 1999, in Fredericksburg General District Court, she was found guilty of driving while under the influence, and sentenced to twelve (12) months in jail, with all but 48 hours suspended. Ms. Phillips' driver's license was suspended for three (3) years and she was referred to the Virginia Alcohol Safety Action Program ("VASAP").

5. Ms. Phillips violated § 54.1-3007(4) of the Code of Virginia (1950), as amended, in that, on or about November 10, 1999, in Fredericksburg General District Court, she was found guilty of three (3) counts of contributing to the delinquency of a minor, a misdemeanor. Ms. Phillips received a sentence of 45 days in jail and placed on probation until May 2003.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Margaret O. Phillips, R.N., be, and hereby is, placed on PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. Ms. Phillips may request that the Board end this probation after not less than two (2) years of employment as a professional nurse.
2. Ms. Phillips shall enter into the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code of Virginia (1950), as amended, and 18

VAC 76-10-10, et. seq., of the Regulations Governing the Health Practitioners' Intervention Program and shall have proof of entry into the HPIP provided to the Board within thirty (30) days from the date of entry of this Order. After entry into HPIP, Ms. Phillips shall comply with all terms and conditions for the period specified by the HPIP.

3. Written reports are required by this Order and shall be sent to the Board office with the first report being received no later than sixty (60) days following the date that this Order is final. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends, to include:
 - a. Performance Evaluations shall be provided, as detailed below.
 - b. Reports from HPIP shall be provided, as detailed above.
 - c. "Self-Reports" shall be provided, as detailed below.
4. Ms. Phillips shall inform the Board in writing within ten (10) days of the date she begins nursing practice, or changes employment, or any interruption in nursing occurs, and she shall provide the name and address of the employer.
5. Ms. Phillips shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Phillips is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
6. Performance Evaluations shall be provided, at the direction of Ms. Phillips by all nursing employer(s) for a period of not less than one (1) year.
7. Ms. Phillips shall submit quarterly "Self-Reports" which include a current address, telephone number, and all current employment. This report shall also include any changes in employment

status, as required in Term No. 3.

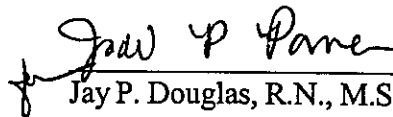
8. Ms. Phillips shall return all copies of her current license to practice as a professional nurse to the Board office within ten (10) days of the date of entry of this Order. Upon receipt of the old license and a \$5.00 fee, the Board shall issue a new license marked "PROBATION WITH TERMS."
9. Ms. Phillips as a professional nurse, shall conduct her in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.
10. Any violation of the terms and conditions of the HPIP or any of the terms and conditions stated in this Order shall be reason for revoking the license of Margaret O. Phillips, R.N., and an administrative proceeding shall be held to decide whether Ms. Phillips' license shall be revoked. Ms. Phillips shall be noticed to appear at an administrative hearing at such time as the Board is notified that:
 - a. She has failed to enter into the HPIP by the above date, or
 - b. She is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or
 - c. She has successfully completed the above-referenced period of participation in the HPIP. Upon receipt of evidence of Ms. Phillips' participation in and compliance with the HPIP, the SCC, at its discretion, may waive Ms. Phillips' appearance before the Committee, relating to the HPIP contract only, and conduct an administrative review of this matter, or
 - d. Any violation of the other terms and conditions of this Order.

Pursuant to § 2.2-4023 of the Code of Virginia (1950), as amended, the signed original of

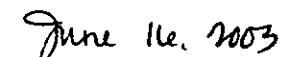
this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

If Ms. Phillips does not consent to the committee's decision and desires a hearing before the Board or a panel thereof, she shall notify, in writing, Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230-1712 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a written request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in § 2.2-4020 and § 2.2-4021 of the Code of Virginia (1950), as amended.

FOR THE BOARD



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


ENTERED

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Margaret O. Phillips, R.N., at 216 Wilderness Lane, Locust Grove, Virginia 22508.

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

June 16, 2003
Date

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Certified True Copy
By 6/16/03 KB
Virginia Board of Nursing