

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

DIANA DUNN DILLARD

ORDER

Pursuant to § 9-6.14:11 and § 54.1-3010 of the Code of Virginia (1950), as amended, a Special Conference Committee of the Board of Nursing (the "Board") met on February 11, 1997, in Henrico County, Virginia, to receive and act upon evidence regarding the petition of Diana Dunn Dillard for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia, which was summarily suspended by Order entered March 29, 1995, and indefinitely suspended by Consent Order entered September 6, 1995. Ms. Dillard was present and was represented by Brian Knox Miller, Esquire.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Diana Dunn Dillard previously held License No. 0001-082019 to practice professional nursing which was issued by the Board.
2. By Consent Order entered March 24, 1987, Ms. Dillard's license to practice professional nursing was placed on probation subject to terms and conditions, based on her diversion of Dilaudid (hydromorphone hydrochloride, Schedule II) and Demerol (meperidine hydrochloride, Schedule II).
3. By Consent Order entered September 6, 1988, Ms. Dillard's license was suspended for not less than two years, based on her diversion of Dilaudid, Demerol and Morphine (morphine sulfate, Schedule II).
4. By Consent Order entered January 30, 1991, Ms. Dillard's license was reinstated on probation, subject to certain terms and conditions.
5. By Order entered March 24, 1993, Ms. Dillard's probation was terminated and she was

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- issued an unrestricted license.
6. Ms. Dillard reported her date of sobriety as March 1, 1995.
 7. Between on or about March 5, 1995, and August 2, 1995, Ms. Dillard completed the intensive outpatient chemical dependency treatment program of St. Mary's Hospital, Richmond, Virginia.
 8. By Order entered March 29, 1995, Ms. Dillard's license was summarily suspended, based on her impairment due to use on duty of Vicodin (hydrocodone bitartrate, Schedule III) and Percocet (oxycodone, Schedule II).
 9. By Consent Order entered September 6, 1995, Ms. Dillard's license was continued on indefinite suspension.
 10. On April 17, 1996, Ms. Dillard's application for reinstatement of her license was considered by a Special Conference Committee, and was denied.
 11. Between September 1995 and May 1996, Ms. Dillard was employed as a phlebotomist with U.S. Personnel, Inc., Richmond, Virginia, assigned to St. Mary's Hospital. Since May 1996, she has been employed by St. Mary's Hospital as a phlebotomist. Her supervisor is aware of her recovery, and gives her performance and recovery favorable reports.
 12. Since approximately July 1995, Ms. Dillard has been monitored in her recovery by Peter Coleman, M.D., Richmond, Virginia, to include random urine drug screens, the results of all of which have been negative. Dr. Coleman reports Ms. Dillard appears to be in compliance with her recovery program.
 13. Ms. Dillard reported she attends Alcoholics Anonymous and Caduceus recovery support group meetings on a weekly basis; her recovery group sponsor verified her attendance and gives her recovery a favorable report.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Diana Dunn Dillard has met the requirements of § 54.1-3009(C) of the Code and that she is competent to return to the

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practice of nursing with reasonable skill and safety to her patients, subject to certain restrictions, as more fully set forth below.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the License of Diana Dunn Dillard to practice professional nursing in the Commonwealth of Virginia be REINSTATED, and further ORDERS that Diana Dunn Dillard be placed on PROBATION, subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is final and shall continue INDEFINITELY. Diana Dunn Dillard may request that the Board end this probation after not less than four (4) years of employment as a professional nurse.
2. The following written reports are required by this Order and shall be sent to the Board office with the first report being received no later than 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:
 - a. Performance Evaluations shall be provided, at the direction of Diana Dunn Dillard, by all current nursing employer(s);
 - b. Prescriptions from prescribing health care provider(s) shall be provided; as detailed below;
 - c. Participation in recovery support groups shall be provided, as detailed below;
 - d. Results of drug screens shall be provided, as detailed below; and
 - e. "Self-Reports" shall be provided by Diana Dunn Dillard which will include Ms. Dillard's current address, telephone number, current employment, if any, and changes in employment status as detailed below.
3. For all current nursing employment, and before beginning or changing nursing employment, Diana Dunn Dillard shall have current and all prospective employers

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provide a written description of the employment setting to the Board office for approval.

She shall inform the Board in writing within ten (10) days of the date she begins nursing or changes employment, or any interruption in nursing practice that occurs, and she shall provide the name and address of the employer.

4. Diana Dunn Dillard 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 copy of this Order. If, at any time, Ms. Dillard is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
5. Diana Dunn Dillard shall practice nursing only in a structured, supervised employment setting satisfactory to the Board for the first three (3) years. This employment setting shall provide on-site supervision by a physician, professional nurse or other Board-approved health care provider who holds an unrestricted license, and who, for the first year, is located on the same level of the building.
6. Diana Dunn Dillard shall not administer any Schedule II through V controlled substances or the Schedule VI controlled substances Stadol and Nubain, (and any others designated by the Board) for the first two (2) years of employment as a R.N.
7. Diana Dunn Dillard shall not use alcohol or any other mood altering chemical except as prescribed by a physician with whom she has established a genuine physician/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing physician shall be provided to the Board within ten (10) days of the date of the prescription.
8. Diana Dunn Dillard shall be required to have supervised, unannounced drug screens, to include alcohol, and have all results sent to the Board as stated in Term No. 2. The

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Board shall be notified immediately in writing of any positive results or if she refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, with results to be sent to the Board.

9. Diana Dunn Dillard shall continue to be active in Alcoholics Anonymous and Caduceus recovery support groups with written reports of attendance by a sponsor or contact person sent to the Board as stated in Term No. 2.
10. Diana Dunn Dillard shall provide all current and future treating practitioners with a complete copy of this Order, and shall sign an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any consultants designated by the Board, and all current and former treating health care providers.
11. The Board shall issue a license marked "PROBATION WITH TERMS" upon receipt of the appropriate fee.
12. Diana Dunn Dillard, as a professional nurse, shall conduct herself 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.
13. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Diana Dunn Dillard, and a hearing shall be held to decide whether her license shall be revoked.

Pursuant to § 9-6.14:14 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. Dillard does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify, in writing, Nancy K. Durrett, R.N., Executive Director of the Board of Nursing, 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 day period unless a written request for a

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formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing provided in § 9-6.14:12 of the Code of Virginia (1950), as amended.

FOR THE BOARD

Nancy K. Burrett

Nancy K. Burrett, R.N., M.S.N.
Executive Director

ENTERED: *March 7, 1997*

DIANA DUNN DILLARD

Certificate of Service

I hereby certify that a certified true copy of the Order was mailed on this day to Diana Dunn Dillard, at 7314 Three Chopt Road, Richmond, Virginia 23226.

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director
Board of Nursing

March 7, 1997
DATE