

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: RICHARD PHILLIPS, R.N.
 License No.: 0001-230520**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on June 23, 2014, in Henrico County, Virginia, to inquire into evidence that Richard Phillips, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. Mr. Phillips was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Richard Phillips, R.N., was issued License No. 0001-230520 to practice professional nursing in the Commonwealth of Virginia on May 7, 2011. Said license expires on June 30, 2015. Mr. Phillips’ primary state of residence is Virginia.
2. By letter dated May 27, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Phillips notifying him that an informal conference would be held on June 23, 2014. The Notice was sent by certified and first class mail to 368 Staten Street, Norfolk, Virginia 23503, the address of record on file with the Board of Nursing. The Notice was also sent to 1509 Colbeck Court, Virginia Beach, Virginia 23456, a secondary address.
3. During the course of his employment with Lake Taylor Transitional Care Hospital, Norfolk, Virginia (“Lake Taylor”):

- a. On August 22, 2013, Mr. Phillips submitted a falsified physician's note to excuse an absence.
 - b. On September 3, 2013, Mr. Phillips failed to document in the nurses' progress notes in a timely manner. He entered notes for September 3, 2013, on September 4, 2013, and did not indicate that these were late entries.
 - c. On September 1, 2013, Mr. Phillips failed to perform a skin assessment on a patient while performing bath and trach care.
 - d. On September 3, 2013 Mr. Phillips failed to provide oral care to his assigned patients during his shift.
4. During the course of his employment with ATC Healthcare Service, Virginia Beach, Virginia, while assigned to Bon Secours DePaul Medical Center, Norfolk, Virginia ("DePaul"):
- a. Between February 7, 2014 and February 8, 2014, Mr. Phillips failed to document administration of medication, accurately document wastages of medication, and/or have wastages of narcotic medications witnessed.
 - b. On February 7, 2014, Mr. Phillips administered a dose of morphine sulfate 4 mg(C-II) to a patient in less than the three-hour time period prescribed by her physician. Mr. Phillips stated that he received a verbal order to administer the morphine sulfate to the patient to manage her pain and documented it into the patient's record later.
5. On April 7, 2013, during the course of his employment with Sentara Norfolk General, Norfolk, Virginia, Mr. Phillips mislabeled lab tubes for two patients and documented the incorrect lab results in the patients' records.

6. Mr. Phillips stated to the Committee that he is currently unemployed. He would like to work on an oncology unit or a Med/Surg unit. Mr. Phillips stated that he understands that his documentation skills need improvement.

7. Mr. Phillips has had three terminations since his initial licensure in 2011. No patient harm was noted as a result of Mr. Phillips' actions.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and 3(b) constitute a violation of §54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 4(a) constitutes a violation of § 54.1-3007(5) of the Code.

3. Findings of Fact Nos. 3(c), 3(d), 4(b), and 5 constitute a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Richard Phillips, R.N., is hereby REPRIMANDED.

2. Mr. Phillips shall provide the Board with verification that he has completed the following NCSBN online courses within 30 days of entry of the Order: *Documentation: A Critical Aspect of Client Care*; *Professional Accountability & Legal Liability for Nurses*; and the *Nurse Practice Act for Virginia*.

3. Mr. Phillips 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.

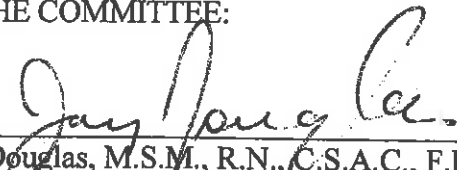
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation

of the license of Mr. Phillips and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Phillips may, not later than 5:00 p.m., on August 20, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:



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

ENTERED: July 18th, 2014

This Order shall become final on August 20, 2014, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing