



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

May 27, 2014

Richard Phillips, R.N.
368 Staten Street
Norfolk, Virginia 23503

CERTIFIED MAIL
7160 3901 9849 2200 4999

1509 Colbeck Court
Virginia Beach, Virginia 23456

CERTIFIED MAIL
7160 3901 9849 2200 5002

Re: VA License No.: 0001-230520
Expiration Date: June 30, 2015

Dear Mr. Phillips:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on June 23, 2014, at 10:30 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. You may have violated §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") in that:

a. During the course of your employment with Lake Taylor Transitional Care Hospital, Norfolk, Virginia ("Lake Taylor"), on or about August 22, 2013, you submitted a falsified physician's note to excuse an absence.

b. On or about September 3, 2013, you failed to document in the nurses' progress notes in a timely manner. You entered notes for September 3, 2013, on September 4, 2013, and did not indicate that these were late entries.

2. You may have violated § 54.1-3007(5) of the Code in that between on or about February 7, 2014, and February 8, 2014, during the course of your employment with ATC Healthcare Service, Virginia Beach, Virginia, while assigned to Bon Secours DePaul Medical Center, Norfolk, Virginia ("DePaul"), you failed to document administration of medication, accurately document wastages of medication, and/or have wastages of narcotic medications witnessed.

3. You may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that:

a. On or about April 7, 2013, during the course of your employment with Sentara Norfolk General Hospital, Norfolk, Virginia, you mislabeled lab tubes for two patients and documented the incorrect lab results in the patients' records.

b. On or about September 1, 2013, while at Lake Taylor you failed to perform a skin assessment on a patient during their bath and trach care.

c. On or about September 3, 2013, you failed to provide oral care to your assigned patients during your shift.

d. On or about February 7, 2014, while at DePaul, you 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.

In its deliberations, the Committee may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you;
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

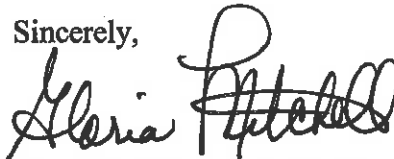
If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4502, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by June 16, 2014. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice, can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director

GDM/sts

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Cynthia E. Gaines, Adjudication Specialist
Lane S. Raker, R.N., M.S., L.N.P., Senior Investigator (Case No. 155376)