

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: STEPHEN CULLERS, R. N. REINSTATEMENT APPLICANT

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 October 11, 2007, in Henrico County, Virginia, to receive and act upon Stephen Cullers’ application for reinstatement of his license to practice professional nursing in Virginia and to inquire into evidence that he may have violated certain laws and regulations governing nursing practice. Mr. Cullers 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. Stephen Cullers was issued License No. 0001-150134 to practice professional nursing in the Commonwealth of Virginia on August 8, 1996. Said license was revoked by Order of the Board entered on December 12, 2003, based on Mr. Cullers’ severe problem with alcohol and his dismissal from the Health Practitioners Intervention Program (“HPIP”) for non-compliance.
2. Mr. Cullers submitted an application for reinstatement of his license to practice professional nursing which was received by the Board on December 21, 2006.
3. Mr. Cullers continues to have substance abuse and mental health problems which impair his ability to practice safely as a nurse. In signing a new Participation Contract with HPIP on April 1, 2007, he admitted that he may suffer from the disease of alcoholism and/or chemical dependency and/or mental illness

that may impair his ability to practice safely. In addition, in his most recent HPIP contract, he acknowledged a long history of substance abuse and alcohol dependence.

4. Mr. Cullers told the Committee that he had relapsed this Spring, 2007, shortly after signing a Participation Contract with HPIP. HPIP then ordered Mr. Cullers to enter residential treatment and reside at a half-way house following completion of the program. Mr. Cullers told HPIP that he could not afford a residential treatment program and was permitted by HPIP to enter an intensive outpatient program in lieu of a residential program. Jennifer Sears Cochram, HPIP case manager, stated at the informal conference that HPIP re-imposed its requirement that Mr. Cullers enter residential treatment once it was able to secure funding for Mr. Cullers' residential treatment from the Valley Community Services Board, Staunton, Virginia. However, Mr. Cullers continued to refuse to enter a residential program. She further stated that HPIP would be presenting Mr. Cullers for dismissal for non-compliance with its recommendation of residential treatment.

5. On his reinstatement application, Mr. Cullers misrepresented the following information:

a. He answered "no" on his reinstatement application to the question, "have you ever been convicted, pled guilty to . . . the violation of any . . . statute or ordinance constituting a felony or misdemeanor," when, in fact, he had been convicted two times of misdemeanors in the Augusta/Staunton Juvenile and Domestic Relations District Court. Mr. Cullers was convicted on January 5, 2005, of Domestic Violence Assault & Battery, and on May 13, 2005, of Use of Obscene Language.

b. He answered "no" on his reinstatement application to the question, "do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing," when, in fact, Mr. Cullers has a long history of mental health and substance abuse problems. Mr. Cullers stated at the informal conference that he did not understand the question as written.

CONCLUSIONS OF LAW.

1. Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Board of Nursing Regulations.
3. The Committee concludes that Mr. Cullers has not demonstrated satisfactory evidence that he is prepared to resume practice in a safe and competent manner.

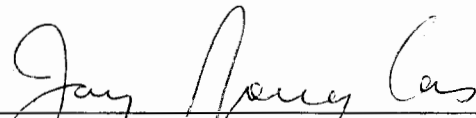
ORDER

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

The Reinstatement Application of Stephen Cullers to practice professional nursing is hereby DENIED.

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.

FOR THE COMMITTEE



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

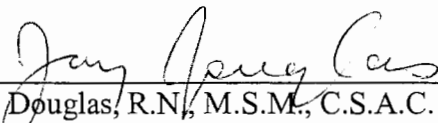
ENTERED: November 2nd, 2007

NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee’s decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Stephen Cullers at 2492 Mims Road, Luray, VA 22835.



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

November 2nd 2007
Date