



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
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March 21, 2003

Stephen W. Cullers, R.N.
P.O. Box 773
Churchville, VA 24421

CERTIFIED MAIL
7160 3901 9844 7524 0004

RE: License No. 0001-150134-Expires 12-31-2003

Dear Mr. Cullers:

This is official notification that an Informal Conference will be held, pursuant to § 2.2-4019, § 2.2-4021, § 54.1-2400(10) and § 54.1-3010 of the Code of Virginia (1950), as amended, on **April 24, 2003, at 10:30 a.m.**, in the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia. You may be represented by an attorney at the Informal Conference.

The Special Conference Committee, which is comprised of two or three members of the Virginia Board of Nursing, will inquire into allegations that you may have violated certain laws and regulations governing the practice of Nursing in Virginia. Specifically:

1. You may be in violation of § 54.1-3007(2), (5) and (6) of the Code of Virginia (1950), as amended, (the Code), in that, on or about May 27, 1999, June 21, 1999, and again on July 12, 2002, you signed participation contracts with 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 HPIP. On or about August 5, 1999, you signed a Recovery Monitoring Contract. On or about October 18, 2002, the HPIP Committee dismissed you from the program due to noncompliance. Specifically you were dismissed:
 - a. For failure to enter and complete treatment as recommended;
 - b. For failure to response to telephone messages and to written correspondence; and
 - c. Continued use of unauthorized drugs/alcohol.

2. The Closure Summary provided by the HPIP states the following:
 - a. On or about June 25, 2002, you entered Augusta Medical Center following a relapse of your alcohol dependency.
 - b. You have a previous history of the HPIP participation from June 21, 2000 through August 11, 2000, at which time you were dismissed for non-compliance with drug screens self-reports and correspondence.
 - c. You have a long history of substance and alcohol dependence and have participated in treatment programs including Talbott in 1994, Farley in 1996, Augusta Medical Center in 1999, Steps in Knoxville, Tennessee in 1999, and the Veteran's Medical Center, Salem, Virginia, in 2001.
 - d. In August 2002, you were discharged from Augusta Medical Center due to your failure to show for treatment sessions and relapse on alcohol on two occasions.
 - e. On or about August 20, 2002, when residential treatment was recommended, you provided multiple reasons why you didn't wish to participate, namely by your own admission, "you were too sick, and not ready to give drinking up."
3. You may be in violation of § 54.1-3007(2) and (5) of the Code, in that during the course of your employment with the Commonwealth Center for Children and Adolescents, Fishersville, Virginia, in approximately July 2002, you entered into a verbal agreement to return to work, after receiving a leave of absence at your request to attend six (6) weeks of treatment. You scheduled date of return to work was September 23, 2002. You were absent for at least three (3) days following your return to work date, and failed to contact your employer. As a result of your failure to communicate with your employer, your employment was terminated.

The Conference Committee is authorized, after meeting with you, to take one of the following actions:

1. 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;
2. The Committee may place you on probation with such terms as it may deem appropriate;
3. The Committee may reprimand you;
4. The Committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
5. The Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Conference Committee is of the opinion that a suspension or revocation of your license may be justified, the Committee may offer you a consent order in lieu of a

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formal hearing.

If you fail to appear at the Informal Conference, the Conference Committee will proceed to hear the case in your absence, and may take any of the actions outlined above.

At least ten (10) days prior to the scheduled date of the conference, please inform this office of your telephone number and whether you intend to appear at the conference. This can be done by calling our offices at (804) 662-9950 or by sending us a letter at the address listed above.

You have the right to information, which will be relied upon by the Board in making a decision. Therefore, I have enclosed a copy of the documents, which will be distributed to the members of the Committee and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed *only* with the original notice sent by certified mail, and must be claimed at the post office. Please bring these documents with you.

If you have any additional documents to be presented to the Conference Committee, please bring five (5) copies of each document with you.

Also, enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws and regulations relating to the practice of nursing in Virginia that are cited in this notice.

Sincerely,



Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director

JPD/gem/klb

Enclosures

cc: Robert A. Nebiker, Director, Department of Health Professions
James L. Banning, Director for Administrative Proceedings
Pamela Twombly, Investigator (88176)
Gayle E. Miller, Senior Adjudication Analyst
Donna Whitney, Program Coordinator
Committee members