

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       STEPHEN W. CULLERS, R.N.  
              License No.: 0001-150134**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on June 2, 2014, in Henrico County, Virginia, to receive and act upon Stephen W. Cullers' petition for modification of the terms and conditions of probation as set forth in the Order of the Board entered on November 14, 2008 ("Board's Order") and to inquire into evidence that Mr. Cullers may have violated certain terms and conditions as set forth in the Board's Order and certain laws governing nursing practice in Virginia. The case was presented by Anne Glick Joseph, Deputy Director, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. Cullers was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

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

**FINDINGS OF FACT**

1. Stephen W. Cullers, R.N., was issued License No. 0001-150134 to practice professional nursing in the Commonwealth of Virginia on August 8, 1996. Said license is valid in Virginia only and is scheduled to expire on December 31, 2015. His primary state of residence is Virginia.
2. Based upon the representations of Anne Joseph and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in his absence.
3. By Order entered December 12, 2003, the Board revoked Mr. Cullers' license based on Mr. Cullers' severe problem with alcohol and his dismissal from the Health Practitioners' Intervention Program

(currently the Health Practitioners' Monitoring Program). Mr. Cullers' first application for reinstatement of his license was denied by the Board on November 2, 2007. Mr. Cullers submitted a second reinstatement application, which the Board granted by Order entered November 14, 2008 ("Board's Order"). The license was reinstated on probation for one year of actual nursing practice and subject to certain terms and conditions.

4. Mr. Cullers submitted a request for release from probation on July 2, 2013.

5. Term No. 1(a)(i) of the Board's Order required Mr. Cullers to submit quarterly self reports. Mr. Cullers failed to submit reports that were due March, June, September, and December 2010, and March, June, and September 2011.

6. Term No. 1(a)(ii) of the Board's Order required Mr. Cullers to continue treatment with a mental health provider and submit written evidence of attendance within ten days of each meeting. Term No. 1(a)(iii) of the Board's Order required Mr. Cullers to submit monthly reports from the mental health provider. Mr. Cullers stopped attending treatment with his addictions counselor in November 2009, prior to being discharged. Further, he did not attend treatment with his psychiatrist between August 2009 and February 2011. He failed to submit reports that were due December 2009, March, June, September, and December 2010, March, June, September, and December 2011, and March and June 2012. Reports were not received from the psychiatrist until March 2013. A report was received in July 2013 for that quarter.

7. Term No. 1(a)(iv) of the Board's Order required Mr. Cullers to undergo supervised, unannounced random drug screens at least once a month and submit the results quarterly. He failed to submit reports that were due September and December 2009, March, June, September, and December 2010, June and September 2011, and March and December 2012.

8. Term No. 1(a)(iv) of the Board's Order required Mr. Cullers to notify the Board immediately in writing of any positive results of his required drug screens.

a. On December 24, 2011, Mr. Cullers relapsed on alcohol and failed to notify the Board until on or about January 20, 2012.

- b. On December 29, 2011, Mr. Cullers tested positive for benzodiazepine; however, he failed to notify the Board until on or about January 20, 2012.
  - c. On July 2, 2010, Mr. Cullers tested positive for amphetamines.
  - d. On November 16, 2012, Mr. Cullers tested positive for opiates; however, he failed to notify the Board until on or about January 4, 2013.
9. Mr. Cullers has not worked as a nurse for compensation since 2002.
  10. In a telephone conversation in March 2013, Mr. Cullers informed the compliance case manager for the Board of Nursing that he stopped sending in reports and stopped seeing his addiction counselor because he went on disability as a result of his physical and mental health, but that he wanted to return to nursing.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Finding of Fact No. 5 constitutes a violation of Term No. 1(a)(i) of the Board's Order.
2. Finding of Fact No. 6 constitutes a violation of Term Nos. 1(a)(ii) and 1(a)(iii) of the Board's Order.
3. Finding of Fact No. 7 constitutes a violation of Term No. 1(a)(iv) of the Board's Order.
4. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 1(a)(iv) of the Board's Order.
5. Mr. Cullers has not successfully completed the terms of his probation or demonstrated that he should be released from probation.

### **ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The petition of Stephen W. Cullers, R.N., for release from probation is DENIED.
2. Mr. Cullers is hereby REPRIMANDED.

3. License No. 0001-150134 issued to Stephen Cullers, R.N. to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than two years.

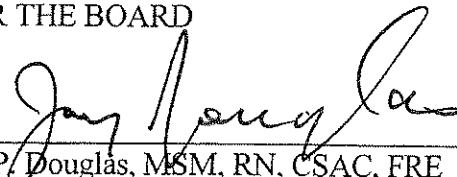
4. The license of Mr. Cullers will be recorded as SUSPENDED and no longer current. Should Mr. Cullers seek reinstatement of his license consistent with this Order, he shall be responsible for any fees that may be required for the reinstatement of his license prior to issuance of his license to resume practice.

5. At such time as Mr. Cullers shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is able to return to the safe and competent practice of nursing.

6. This Order shall be applicable to Mr. Cullers' multistate licensure privileges, if any, to practice professional nursing.

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 BOARD

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

  
\_\_\_\_\_  
ENTERED

**Certified True Copy**

By   
\_\_\_\_\_  
Virginia Board Of Nursing

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.