

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:                   STEPHEN W. 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 21, 2008, in Henrico County, Virginia, to receive and act upon Stephen W. Cullers’ application for reinstatement of his license to practice professional nursing in Virginia. Mr. Cullers was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts 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 Said license was revoked by Order of the Board entered on December 12, 2003, based on Mr.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. Mr. Cullers submitted an application for reinstatement of his license to practice professional nursing, which was denied by the Board in an Order entered on November 2, 2007.
2. Mr. Cullers re-entered HPIP on April 10, 2007, but on December 14, 2007, Mr. Cullers was again dismissed from the HPIP for non-compliance with his program contract.
3. Mr. Cullers submitted a second application for reinstatement of his license to practice professional nursing which was received by the Board on July 7, 2008.

4. Mr. Cullers submitted evidence that he completed 15.9 hours of continuing nursing education credits since April 2008.

5. Mr. Cullers stated at the informal conference that his date of sobriety is January 21, 2008.

6. Mr. Cullers submitted evidence that he completed treatment at the Substance Abuse Residential Rehabilitation Treatment Program at the Virginia Medical Center in Salem, Virginia, on February 20, 2008.

7. Mr. Cullers completed six months of aftercare treatment at the Harrisonburg Veterans Clinic.

8. Joseph Duehl, L.C.S.W., submitted a letter to the Board stating that Mr. Cullers is capable of returning to the nursing profession.

#### CONCLUSIONS OF LAW

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

1. The license of Stephen W. Cullers is hereby REINSTATED with the following terms and conditions:

a. Mr. Cullers shall be placed on PROBATION for a period of one year of actual nursing practice and subject to the following terms and conditions:

i. Mr. Cullers shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than sixty (60) days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

ii. Mr. Cullers shall continue treatment with a mental health provider with the Department of Veterans Affairs one time per month and shall have written evidence of attendance by the mental health provider sent to the Board within ten days of each meeting.

iii. Mr. Cullers shall submit monthly reports from a mental health provider. The first report must be received in the Board office no later than sixty (60) days from the date this Order is entered. Subsequent reports must be received monthly by the last day of each month until the period of probation ends.

iv. Mr. Cullers shall be required to have one supervised, unannounced random drug screen a month, from the Department of Veterans Affairs, which includes testing for alcohol. Mr. Cullers shall ensure that the first set of results are received by the Board no later than sixty (60) days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Mr. Cullers refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

b. The period of probation shall begin on the date that this Order is entered and shall end at such time as Mr. Cullers has completed one year of active employment as a professional nurse. The license of Stephen W. Cullers shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400.9 et seq. of the Code of Virginia (1950), as amended (“Code”).

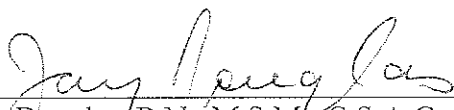
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Stephen W. Cullers, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. Cullers shall be noticed to appear before the Board at such time as the Board is notified that there is a pending investigation or unresolved allegation against Mr. Cullers involving a violation of law or regulation or any term or condition of probation or this Order.

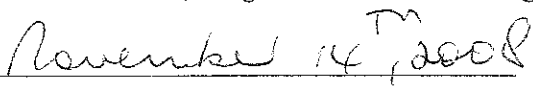
**NOTICE OF RIGHT TO FORMAL HEARING**

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 W. Cullers at P.O. Box 751, Churchville, Virginia 24421.

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

  
\_\_\_\_\_  
Date

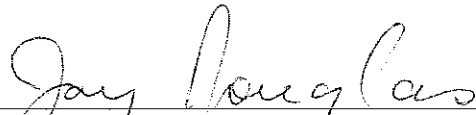
3. Mr. Cullers shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

4. The Board shall issue a license marked “Valid in Virginia Only; Probation with Terms”.

5. This order shall be applicable to Mr. Cullers’ multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Cullers shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Mr. Cullers wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

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 17<sup>th</sup>, 2008