



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
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Virginia Board of Nursing
Jay P. Douglas, RN, MSM, CSAC
Executive Director

October 28, 2003

Board of Nursing (804) 662-9909
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Stephen W. Cullers, R.N.
P.O. Box 773
Churchville, Virginia 24421

CERTIFIED MAIL
7160 3901 9844 2316 5700

RE: Notice of Formal Hearing
November 19, 2003, at 10:00 a.m.

Dear Mr. Cullers:

Enclosed please find a Notice of Hearing which is scheduled for **November 19, 2003, 10:00 a.m.**, at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. Arrangements should be made for you to be there a half hour early.

You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. Should you wish to subpoena witnesses, requests for subpoenas must be made in writing in accordance with the enclosed Instructions for Requesting Subpoenas.

You have the right to have a copy of the investigative report and supporting documents which may be used as evidence at your hearing. Please be advised that these documents have been forwarded to you under same cover via certified mail.

Prior to the hearing, it is the Board's intention to distribute these documents to the members of the Board who will conduct the hearing. If you have any objections to the materials, please contact Patricia L. Larimer, Senior Adjudication Analyst at (804) 662-7444 before **November 4, 2003**. If you do not object to this proposed distribution before **November 4, 2003**, the Board will assume that you have no objection to the Board member's prior review of the documents. Failure to object to the distribution prior to the hearing will not affect your right to contest any information contained in these documents at the hearing.

Further, to facilitate this hearing, the Board requests that you provide to Patricia L. Larimer, Senior Adjudication Analyst, Administrative Proceedings Division, Department of Health Professions,

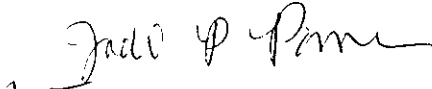
Virginia Board of Nursing 1903 – 2003
Regulating Nursing – Protecting The Public

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Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine
Board of Health Professions

6603 West Broad Street, Richmond, Virginia 23230, **sixteen (16) copies** of any documents you intend to introduce into evidence at least (10) business days before the hearing.

Please advise us whether or not you plan to be present for the hearing no later than **November 4, 2003**. If you should have any questions, please contact us at the above number.

Sincerely,


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

Enclosures

cc: Members, Board of Nursing
Robert A. Nebiker, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Patricia L. Larimer, Senior Adjudication Analyst, Administrative Proceedings Division
Pamela Twombly, Regional Enforcement Manager, Division of Enforcement (Case No. 88176)
Donna P. Whitney, L.P.N., C.S.A.C, Intervention Program Manager
Heather Johnson, Legal Assistant, Office of the Attorney General

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

STEPHEN W. CULLERS, R.N.

NOTICE OF HEARING

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended, Stephen W. Cullers, R.N., who holds License No. 0001-150134, which expires December 31, 2003, unless renewed or restricted, is hereby given notice that, pursuant to § 2.2-4024 F, a formal administrative hearing will be held in the presence of a panel of the Board of Nursing ("the Board"). The hearing will be held on **November 19, 2003, at 10:00 a.m.**, at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia, at which time Mr. Cullers will be afforded the opportunity to be heard in person or by counsel.

At the hearing Mr. Cullers has the following rights, among others: the right to representation by counsel, the right to have witnesses subpoenaed and to present witnesses on his behalf, the right to present documentary evidence and the right to cross-examine adverse witnesses. If Mr. Cullers desires any witnesses to appear on his behalf, he must notify the Director of Administrative Proceedings, 6603 West Broad Street, Richmond, Virginia 23230-1712, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon evidence that Mr. Cullers may have violated certain laws and regulations governing the practice of nursing in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

1. Mr. Cullers may have violated § 54.1-3007(5) and (6) of the Code of Virginia (1950), as amended, in that, on or about May 27, 1999, and June 21, 1999, he signed participation contracts, and on or about August 5, 1999, he signed a Recovery Monitoring Contract with the Health Practitioners'

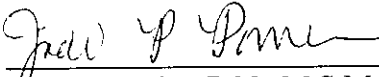
Intervention Program (“HPIP”), pursuant to Chapter 25.1 of Title 54.1 of the Code of Virginia (1950) as amended, and 18 VAC 76-10-10, et seq., of the Regulations Governing the HPIP. On or about August 11, 2000, Mr. Cullers was dismissed from the program due to non-compliance with drug screens, self-reports and correspondence. On or about on July 12, 2002, Mr. Cullers re-entered the Health Practitioners’ Intervention Program by signing a Participation Contract. However, on or about October 18, 2002, the HPIP Committee dismissed Mr. Cullers from the Health Practitioners’ Intervention Program due to noncompliance with said contract. Specifically, Mr. Cullers was dismissed due to his:

- i. Failure to enter and complete treatment as recommended;
- ii. Failure to respond to telephone messages and to written correspondence; and
- iii. Continued use of unauthorized drugs/alcohol.

2. Mr. Cullers may have violated § 54.1-3007(5) and (6) of the Code of Virginia (1950), as amended, in that, the Health Practitioners’ Intervention Program’s Closure Summary provided the following information:

- a. On or about June 25, 2002, Mr. Cullers was admitted to Augusta Medical Center, Fishersville, Virginia, following a relapse with alcohol.
- b. Mr. Cullers has a long history of substance and alcohol dependence and participated in not less than five (5) treatment programs from 1994 through 2001. In approximately August 2002, Mr. Cullers was discharged from Augusta Medical Center due to his failure to attend several treatment sessions and relapses with alcohol on two occasions while in treatment.
- c. On or about August 20, 2002, when long-term residential treatment was recommended, Mr. Cullers provided multiple reasons why he did not wish to participate to include his statements that he was “too sick,” and not ready to give up drinking.

FOR THE BOARD


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

ENTERED: October 28, 2003