

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ROBERT C. WILLIAMS, R.N.

ORDER

Pursuant to § 2.2-4019, § 2.2-4021, § 54.1-2400(10) and § 54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), a Special Conference Committee ("Committee") of the Board of Nursing met on October 21, 2003, in Henrico County, Virginia, to receive and act upon evidence that Robert C. Williams, R.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia. Mr. Williams was present and was not represented by counsel. Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Robert C. Williams, R.N., holds License No. 0001-168824, which expires on July 31, 2004, issued by the Virginia Board of Nursing.
2. On or about January 7, 2002, Mr. Williams signed a Participation Contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code, and 18 VAC 76-10-10, et seq., of the Regulations Governing the Health Practitioners' Intervention Program. On or about April 15, 2002, Mr. Williams signed a Recovery Monitoring Contract. On or about April 19, 2002, Mr. Williams was granted a stay of disciplinary action. On or about September 3, 2002, Mr. Williams' stay of disciplinary action was vacated, and he appeared before members of a Special Conference Committee of the Board of Nursing on October 29, 2002.
3. On or about November 25, 2002, an Order was entered by the Board of Nursing requiring Mr. Williams to comply with all terms and conditions of the HPIP Recovery Monitoring Contract entered April 15, 2002. Mr. Williams' has violated § 54.1-3007(3) and (6) of the Code, and the

terms and conditions of the Order, in that:

- a) On or about April 18, 2003, Mr. Williams was dismissed from the HPIP due to noncompliance with the April 15, 2002, Recovery Monitoring Contract.
  - b) The Recovery Monitoring Contract states that Mr. Williams will refrain from practice until the HPIP modifies the contract to allow him to practice. By his own admission, in January 2003, Mr. Williams began employment at FMCNA (Mechanicsville Dialysis), Mechanicsville, Virginia. He was employed without the knowledge or consent of the HPIP. Additionally, his employment was terminated when it was determined that the HPIP had not allowed for Mr. Williams to return to the practice of nursing.
  - c) The Recovery Monitoring Contract states that Mr. Williams will have urine drug screens. By his own admission, Mr. Williams failed to submit to urine drug screens when notified by the HPIP.
  - d) The Recovery Monitoring Contract states that there will be total abstinence from obtaining, possessing, dispensing, administering or taking mood altering substances. On or about December 9, 2002, by his own admission to the HPIP case manager, Mr. Williams smoked marijuana.
  - e) The Recovery Monitoring Contract states that Mr. Williams will submit self reports by the 10<sup>th</sup> of each month for the previous month. In March 2003, Mr. Williams failed to submit a self report.
  - f) By his own admission, Mr. Williams did not meet with his case manager as requested because he was aware that he could not remain compliant with his contract.
4. Mr. Williams presented evidence to members of the Committee regarding his situation as it pertained to the terms and conditions of his contract with the HPIP. Ms. Williams stated to members of the Committee that he is willing to take whatever steps necessary to retain his license to practice

professional nursing, and indicated that he is more stable to be able to remain in the HPIP program.

5. Based on the above Findings of Fact, the Committee concludes that Robert C. Williams, R.N., is a candidate for HPIP.

#### ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that it shall Take No Action at this time contingent expressly upon Robert C. Williams, R.N.'s compliance with the following terms and conditions:

1. Mr. Williams shall enter into a Recovery Monitoring Contract ("Contract") with the HPIP, pursuant to Chapter 25.1 of Title 54.1 of the Code, and 18 VAC 76-10-10, et seq., of the Regulations Governing the HPIP and shall have proof of entry into a Contract provided to the Board within thirty (30) days of the entry of this Order.
2. Mr. Williams shall comply with all terms and conditions of the HPIP for the period specified in the Contract.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Williams, and an administrative proceeding shall be held to decide whether his license shall be revoked. Mr. Williams shall be noticed to appear before a Committee at such time as the Board is notified that:
  - a) Mr. Williams has failed to make application, or
  - b) Mr. Williams is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP, or
  - c) There is a pending investigation or unresolved allegations against Mr. Williams involving a violation of law, regulation or any term or condition of probation or this order, or
  - d) Mr. Williams has successfully completed the above-referenced period of participation in the

HPIP. However, upon receipt of evidence of Ms. Williams' participation in and compliance with the HPIP, the Committee, at its discretion, may waive his appearance before the Committee, and conduct an administrative review of this matter.

Pursuant to § 2.2-4023 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.

If Mr. Williams does not consent to the committee's decision and desires a hearing before the Board or a panel thereof, he shall notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, in writing, at 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230-1712 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a written request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in § 2.2-4020 and § 2.2-4021 of the Code.

FOR THE BOARD

*Jay P. Douglas*

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

*December 3, 2003*

ENTERED

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Robert C. Williams, R.N., at 3445 Cedar Plains Road, Sandy Hook, Virginia 23153.

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

December 5, 2003  
Date

Certified True Copy  
By KB 12/3/03  
Virginia Board of Nursing