



# 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

September 26, 2003

Board of Nursing (804) 662-9909  
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Robert C. Williams, R.N.  
3445 Cedar Plains Road  
Sandy Hook, Virginia 23153-2213

CERTIFIED MAIL  
7160 3901 9844 2315 6647

RE: License No. 0001-168824-Expires 7-31-2004

Dear Mr. Williams:

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) (the Code), as amended, **on October 21, 2003, at 9:00 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 terms of the Order of the Board of Nursing entered November 25, 2002, and will inquire into allegations that you may have violated certain section of the Code, and or the Board of Nursing Regulations. Specifically:

1. On or about January 7, 2002, you 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, you signed a Recovery Monitoring Contract. On or about April 19, 2002, you were granted a stay of disciplinary action. On or about September 3, 2002, your stay of disciplinary action was vacated, and you appeared before members of a Special Conference Committee of the Board of Nursing on October 29, 2002.
2. On or about November 25, 2002, an Order was entered by the Board of Nursing requiring you to comply with all terms and conditions of the HPIP Recovery Monitoring Contract entered April 15, 2002. You may be in violation of § 54.1-3007(3), (5) and (6) of the Code, and the terms and conditions of the Order, in that:
  - a. On or about April 18, 2003, you were dismissed from the HPIP due to noncompliance with the April 15, 2002, Recovery Monitoring Contract.

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Board of Health Professions

- b. The Recovery Monitoring Contract states that you will refrain from practice until the HPIP modifies the contract to allow you to practice. By your own admission, in January 2003, you began employment at FMCNA (Mechanicsville Dialysis), Mechanicsville, Virginia. You were employed without the knowledge or consent of the HPIP. Additionally, your employment was terminated when it was determined that the HPIP had not allowed for you to return to the practice of nursing.
- c. The Recovery Monitoring Contract states that you will have urine drug screens. By your own admission, you 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 your own admission to the HPIP case manager, you smoked marijuana.
- e. The Recovery Monitoring Contract states that you will submit self reports by the 10<sup>th</sup> of each month for the previous month. In March 2003, you failed to submit a self report.
- f. By your own admission, you did not meet with your case manager as requested because you were aware that you could not remain compliant with your contract.

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;
  1. The Committee may reprimand you;
  2. The committee may modify a previous Order;
  3. The Committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
  4. 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 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

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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,



Susan Bell Rosen, R.N., F.N.P., J.D.  
Deputy Executive Director, Discipline

Enclosures

cc: Robert A. Nebiker, Director, Department of Health Professions  
James L. Banning, Director, Administrative Proceedings Division  
Martha Miller, Investigator (Case No. 90196)  
Committee members  
Gayle E. Miller, Senior Adjudication Analyst  
Donna Whitney, L.P.N., C.S.A.C., Intervention Program Manager  
Ann L. Tiller, Compliance Manager