

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: RACHEL L. PHILLIPS, L.P.N.  
License No.: 0002-080531**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on March 26, 2014, in Henrico County, Virginia. Rachel L. Phillips, L.P.N. was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 21, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Phillips was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Rachel L. Phillips, L.P.N., was issued License No. 0002-080531 to practice practical nursing in Virginia on June 22, 2009. The license is scheduled to expire on June 30, 2015. Her primary state of residence is Virginia.

2. By letter dated February 25, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Phillips notifying her that an informal conference would be held on March 26, 2014. The Notice was sent by certified and first class mail to 136 Kings Gate Drive, Portsmouth, Virginia 23701, the address of record on file with the Board of Nursing. According to the USPS tracking website, notice of the certified mail was left at the address of record on February 26, 2014. The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that

adequate notice was provided to Ms. Phillips and the informal conference proceeded in her absence. Also according to the USPS website, the Notice sent by certified mail was returned to sender on March 29, 2014, because it was not claimed by the addressee.

3. During the course of her employment with Greenbrier Obstetrics and Gynecology, Chesapeake, Virginia, between August and November, 2013, Ms. Phillips fraudulently obtained or attempted to obtain Percocet (oxycodone, Schedule II) and Vicodin (hydrocodone combination product, Schedule III) from various pharmacies using the names of physicians in the practice. She accomplished this fraud by calling in false telephone prescriptions or by presenting prescriptions on which she had forged the signatures of the physicians.

4. The prescription fraud was discovered when a pharmacy called the office of Greenbrier Obstetrics and Gynecology regarding a potentially fraudulent prescription, and Ms. Phillips was found on the telephone with the pharmacy pretending to be another individual who worked at the practice and who Ms. Phillips claimed had called in the prescription.

5. Ms. Phillips entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on November 15, 2013, and a Recovery Monitoring Contract on December 16, 2013. She was dismissed from the HPMP on March 21, 2014, for failing to enter and complete treatment as recommended and failing to comply with the toxicology screening program. At the time of dismissal, her diagnoses included opiate dependence, sedative dependence, anxiolytic dependence, alcohol dependence, cannabis abuse, anxiety disorder, and depression, major, recurrent.

6. Ms. Phillips did not respond to the Department of Health Professions investigator during the investigation of this matter.

#### **CONCLUSIONS OF LAW**

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC

90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-080531 of Rachel L. Phillips, L.P.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Phillips shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of nursing. Ms. Phillips shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice practical nursing.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Phillips failed to appear at the informal conference, this Order shall be considered final. Ms. Phillips has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Phillips has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

*for* *Gloria Mitchell*  
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

Entered: *June 3, 2014*