

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: VIVIAN DILLARD, R.N.
License No.: 0001-059476**

CONSENT ORDER

By letter dated June 20, 2013, the Board noticed Vivian Dillard, R.N., for a formal hearing. In lieu of proceeding to a formal hearing, the Board and Ms. Dillard, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Ms. Dillard to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Vivian Dillard, R.N., was issued License No. 0001-059476 to practice professional nursing in the Commonwealth of Virginia on August 18, 1975. Said license expires on July 31, 2013. Her primary state of residence is Virginia.
2. During the course of her employment with the University of Virginia Health System – Kluge Children’s Rehabilitation Center and Research Institute, Charlottesville, Virginia (“KCRC”):
 - a. On November 4, 2011, Ms. Dillard failed to promptly administer a blood transfusion to a pediatric patient. Instead of performing the transfusion, Ms. Dillard argued with the physician to delay the procedure until the physician or nurse practitioner would be on site throughout the transfusion.
 - b. On November 27, 2011, by her own admission, Ms. Dillard administered a Dulcolax suppository to Patient A without a physician’s order.
 - c. On December 12, 2011, Ms. Dillard failed to act when she observed Patient A attempting to get out of his bed and disengage the alarm which was sounding, leaving the patient at a risk of injury and/or

fall. Ms. Dillard acknowledged that she knew that Patient A had been assessed by his physical therapist as a fall risk. She stated that she did not intervene because she was watching the patient and trying to assess what he would do in order to prepare for his discharge assessment, and that she would do the same thing again.

d. Between December 5 and December 16, 2011, Ms. Dillard, on more than one occasion, administered patient medications outside the one hour window (given by policy) to administer the medications.

3. Ms. Dillard's employment with KCRC was terminated on December 30, 2011. She filed a grievance with the Virginia Department of Employment Dispute Resolution ("DEDR") challenging her termination, and the termination was upheld by a hearing officer for the DEDR on April 3, 2012.

4. After her termination from KCRC, Ms. Dillard began working for The Pediatric Connection home health agency in January 2012 on a part-time basis. Her last assignment ended in early April 2012.

5. Ms. Dillard stated that she was receiving treatment for depression and anxiety and that she was prescribed antidepressant and anxiolytic medications, but she did not feel that this condition influenced her actions at KCRC.

CONCLUSIONS OF LAW

1. Finding of Fact Nos. 3(a) through 3(d) constitute violations of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(a) of the Regulations Governing the Practice of Nursing.

CONSENT

Vivian Dillard, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. She acknowledges that she has the following rights, among others: the right to a formal hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;

4. She waives all such right to a formal hearing;

5. She admits to the Findings of Fact and Conclusion of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Vivian Dillard, R.N., is hereby REPRIMANDED.

2. Ms. Dillard shall be placed on INDEFINITE PROBATION for a period of not less than one year of actual nursing practice and subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After one year of active employment as a professional nurse, Ms. Dillard may request that the Board end this probation.

b. Ms. Dillard shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Dillard shall provide the name and address of each employer to the Board.

c. Ms. Dillard shall inform her current nursing employer and each future nursing employer while she is on probation that the Board has placed her on probation and shall provide each

employer with a complete copy of this Order. If Ms. Dillard is employed through a staffing agency while on probation, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Performance Evaluations shall be provided, at the direction of Ms. Dillard, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 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.

e. Ms. Dillard shall practice nursing only in an employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide supervision by a physician or professional nurse who holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Dillard shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

f. Ms. Dillard shall have an evaluation by a mental health specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 45 days from the date this Order is entered. Ms. Dillard shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Dillard is discharged from therapy or completes probation. Ms. Dillard shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

g. Ms. Dillard shall provide all current and future mental health treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any consultants designated by the Board.

h. Ms. Dillard 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 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.

i. Ms. Dillard shall return all copies of her license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order along with a fee of \$15.00. Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”

j. Ms. Dillard shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

k. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Dillard and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

l. This Order is applicable to Ms. Dillard’s multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Dillard shall not work outside of 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 she wishes to work. Any requests for out of state employment should 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 BOARD

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

ENTERED: *July 19, 2013*

SEEN AND AGREED TO:

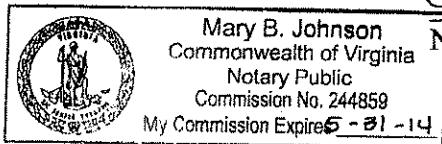
Vivian D. Dillard RN
Vivian Dillard, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF *Charlottesville* TO WIT:

Subscribed and sworn to before me, *MARY B. Johnson*, a Notary Public, this *9th* day of *July*, 20*13*.

My commission expires *May 31, 2014*.

Registration Number *244859*.



Mary B. Johnson
NOTARY PUBLIC

Certified True Copy
By *Abraham*
Virginia Board of Nursing