

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       BRIAN THADEN, R.N.**  
**License No.: 0001-228848**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on January 16, 2014, in Henrico County, Virginia. Brian Thaden, R.N., was not present nor was he represented by legal counsel. Jane Elliott, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Thaden was not present nor was he 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. Brian Thaden, R.N., was issued License No. 0001-228848 to practice professional nursing in Virginia on January 21, 2011. The license expired on September 30, 2013. Mr. Thaden's primary state of residence is Virginia.
2. By letter dated December 18, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Thaden notifying him that an informal conference would be held on January 16, 2014. The Notice was sent by certified and first class mail to 3613 Matoaka Place, Virginia Beach, Virginia, 23452, the address of record on file with the Board of Nursing. The Notice sent via

certified mail was forwarded to 413 Harriet Tubman Drive, Williamsburg, Virginia, 23185, and the receipt for the Notice sent to that address was signed by Mr. Thaden and returned to the Board office on December 31, 2013. The Notice sent via first-class mail to the address of record was returned to the Board office on January 6, 2014, with a handwritten notation to forward to 413 Harriet Tubman Drive, Williamsburg, Virginia, 23185. The Agency Subordinate concluded that adequate notice was provided to Mr. Thaden and the informal conference proceeded in his absence.

3. On his 2010 application for licensure by endorsement as a professional nurse, Mr. Thaden answered “NO” to question asking whether he had a mental, physical, or chemical dependency condition which could interfere with his current ability to practice nursing, despite a long admitted history of substance abuse. Mr. Thaden had attended a 30-day inpatient treatment program in 2008 in Maryland.

4. In December 2011, Mr. Thaden was convicted in the City of Virginia Beach, Virginia, General District Court, of driving under the influence.

5. On December 7, 2011, Mr. Thaden signed a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”), in which he acknowledged his alcohol and/or substance abuse disorder and mental illness may impair his ability to practice nursing safely. He signed his most recent Recovery Monitoring Contract on February 10, 2013.

6. On May 16, 2013, Mr. Thaden’s urine drug screen was positive for benzoylecgonine, a metabolite of cocaine, and HPMP ordered him to stop practicing. His employment with Humana was terminated on June 7, 2013. He missed urine drug screens on May 23, 2013, May 31, 2013, June 7, 2013, June 11, 2013, June 19, 2013, and June 25, 2013.

7. On July 19, 2013, Mr. Thaden was dismissed from the HPMP for noncompliance, including failure to enter and complete treatment as recommended, continued use of cocaine, and

failure to comply with the urine toxicology screening program.

8. Mr. Thaden did not respond to the Department of Health Professions investigator's attempts to contact him.

### CONCLUSIONS OF LAW

Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

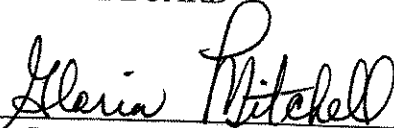
1. The right of Brian Thaden, R.N., to renew License No. 0001-228848 to practice professional nursing is INDEFINITELY SUSPENDED for a period of not less than two years.
2. The license will be recorded as suspended and no longer current.
3. At such time as Mr. Thaden shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of professional nursing. Mr. Thaden 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 professional 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 Mr. Thaden failed to appear at the informal conference, this Order shall be considered final. Mr. Thaden 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, Mr. Thaden has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred

first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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 Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director  
Virginia Board of Nursing

Entered: April 3, 2014