

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ERROL R. PHILLIPS, R.N.

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on June 14, 2010, in Henrico County, Virginia, to inquire into evidence that Errol R. Phillips, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. Mr. Phillips was present and was not represented by legal counsel.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Errol R. Phillips, R.N., was issued License No. 0001-202427 to practice professional nursing in the Commonwealth of Virginia on July 17, 2006. Said license expires on January 31, 2012.
2. By letter dated May 18, 2010, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Phillips notifying him that an informal conference would be held on June 14, 2010. The Notice was sent by certified and first class mail to 12704 Getty Lane, Spotsylvania, Virginia 22551, the address of record on file with the Board of Nursing.
3. During the course of his employment with Medicorp Health System – Mary Washington Hospital, Fredericksburg, Virginia, from approximately February 2009, to November 17, 2009, Mr. Phillips diverted Dilaudid (hydromorphone) and morphine (both Schedule II) for his personal and unauthorized use. Mr. Phillips accomplished the diversion by using patient names/identifiers to remove the medications from the AccuDose machine and by using the access code of a co-worker to enter the AccuDose room. Mr.

Phillips replaced some of the Dilaudid vials with saline solution and returned the Dilaudid vials to the hospital stock for use. Further, on November 20, 2009, Mr. Phillips returned to the hospital after being terminated on November 17, 2009, and diverted nine more vials of Dilaudid.

4. Mr. Phillips falsified the application for employment with Mary Washington Hospital dated November 1, 2008, in that:

a. He answered “no” to the question, “have you ever been discharged, dismissed or terminated from employment,” when, in fact, he was terminated from Fauquier Hospital on July 29, 2008.

b. He answered “no” to the question, “have you ever been convicted of any criminal violation of law (including minor traffic violations), or are you now under pending investigation or charges of violation of criminal law,” when, in fact, he had several convictions in Virginia, Maryland and North Carolina for driving while under the influence and being drunk in public.

5. On March 8, 2010, Mr. Phillips signed a Recovery Monitoring Contract with the Health Practitioners’ Monitoring Program (“HPMP”) in which he acknowledged an alcohol and substance use disorder. In a report dated June 14, 2010, the HPMP stated that Mr. Phillips is in full compliance with his contract.

6. On September 6, 2009, in the Fredericksburg General District Court, Mr. Phillips was convicted of being drunk in public. He was fined \$25 plus \$71 court costs.

7. On April 1, 2010, in the Circuit Court of Fredericksburg, Virginia, Mr. Phillips pled guilty to three counts of prescription fraud, for the diversion that occurred at Mary Washington Hospital. The court deferred further proceedings and placed Mr. Phillips on supervised probation with terms and conditions, for a period of two years. Upon successful completion of the terms of probation, the court will find Mr. Phillips guilty of a misdemeanor.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (f) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.
3. Findings of Fact Nos. 5 and 6 constitute a violation of § 54.1-3007(6) of the Code.

CONSENT

Errol R. Phillips, R.N., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he has the following rights, among others: the right to a formal fact finding 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 him;
4. He waives all such right to a formal hearing;
5. He admits to the Findings of Fact contained herein and waives his right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his right to practice professional nursing in Virginia.

ORDER

On the basis of the foregoing, the Board hereby ORDERS as follows:

1. License No. 0001-202427 of Errol R. Phillips, R.N., is INDEFINITELY SUSPENDED.

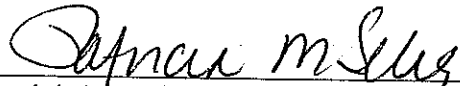
2. The license will be recorded as suspended and no longer current.
3. At such time as Mr. Phillips shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of professional nursing. Mr. 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 professional nursing.
5. This suspension shall be STAYED upon continued compliance with a Recovery Monitoring Contract with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Mr. Phillips shall comply with all terms and conditions for the period specified by the HPMP.
 - b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Errol R. Phillips, R.N., and an administrative proceeding shall be held to determine whether his license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
 - i. Mr. Phillips is not in compliance with the terms and conditions specified by the HPMP;
 - ii. Mr. Phillips' participation in the HPMP has been terminated;
 - iii. There is a pending investigation or unresolved allegation against Mr. Phillips involving a violation of law, regulation, or any term or condition of this Order.
6. This Order shall be applicable to Mr. Phillips' multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Phillips shall not work outside 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 he wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

7. Upon receipt of evidence of Mr. Phillips' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Mr. Phillips' appearance before the Board, and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Consent 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

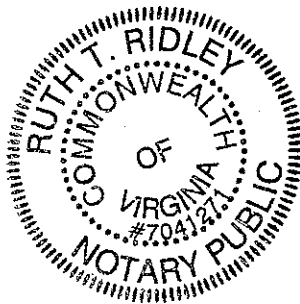


Patricia M. Selig, R.N., F.N.P., Ph.D.
President, Virginia Board of Nursing

ENTERED: July 20th, 2010

SEEN AND AGREED TO:

Errol R. Phillips
Errol R. Phillips, R.N.



COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Alexandria TO WIT:

Subscribed and sworn to before me, Ruth T. Ridley, a Notary Public, this 2nd day of July, 2010.

My commission expires 1/31/2014

Registration Number 7041271

Ruth T. Ridley
NOTARY PUBLIC

Certified True Copy

By dgraham

Virginia Board of Nursing