



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

NOTICE OF INFORMAL CONFERENCE

January 10, 2014

Errol R. Phillips, R.N. Reinstatement Applicant
3317 Prosperity Avenue
Fairfax, Virginia 22031

CERTIFIED MAIL
7196 9008 9111 9190 5992

Re: VA License No.: 0001-202427
Expiration Date: January 25, 2011

Dear Mr. Phillips:

This is official notification that an informal conference will be held pursuant to §§2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), **on February 3, 2014, at 2:00 p.m.** at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to §2.2-3700 *et seq.* of the Code.

The Special Conference Committee (“Committee”), which is comprised of at least two members of the Virginia Board of Nursing (“Board”), will receive and act upon your application for the reinstatement of your license to practice professional nursing in the Commonwealth of Virginia, which was indefinitely suspended by Consent Order entered January 25, 2011, and will inquire into allegations that you may have violated certain laws and regulations governing the practice of professional nursing in Virginia.

Specifically:

1. You may have violated §54.1-3007(1) of the Code and 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing in that on your application for reinstatement of your license as a registered nurse following suspension or revocation, received by the Board on August 28, 2013, you answered “NO” to the question of whether you have a mental, physical, or chemical dependency condition that could interfere with your current ability to practice as a nurse, when, in fact, you have a chemical dependency condition as evidenced by Allegation Nos. 2 and 3, below.

2. You may have violated §54.1-3007(6) of the Code in that you may be unsafe to practice professional nursing due to chemical dependence, as evidence by the following:

a. On or about October 10, 2013, you stated to a Department of Health Professions investigator that in May 2010 you became depressed and replaced prescription drugs with alcohol to satisfy your addiction. You further stated that in June 2010 your alcohol consumption increased dramatically and that your employment was terminated from your next two employers because of attendance issues stemming from your alcoholism.

b. You were convicted in the United States District Court, Western District of Virginia, on or about June 9, 2006, of occupying a campsite within SNP while under the influence of alcohol.

3. You may have violated §54.1-3007(4) and (6) of the Code in that you were convicted in the Fredericksburg, Virginia, Circuit Court, on or about July 11, 2012, of three counts of prescription fraud, all felonies.

4. You may have violated §54.1-3007(4) of the Code in that you were convicted in the Fairfax County, Virginia, General District Court, on or about February 26, 2010, of petit larceny, a misdemeanor involving moral turpitude.

The burden of providing evidence satisfactory to the Board that you are prepared to resume the competent practice of professional nursing with reasonable skill and safety to patients rests with you.

After the informal conference, the Committee is authorized by §54.1-2400(10) of the Code to take any of the following actions:

- The Committee may reinstate your license to practice professional nursing in the Commonwealth without restriction;
- The Committee may reinstate your license and place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate, reprimand you, or impose a monetary penalty;
- The Committee may deny your application for reinstatement of your license;

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, **by January 27, 2014**. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

Also enclosed are copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as the relevant laws and regulations governing the practice of nursing in Virginia.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,



Brenda Krohn, R.N., M.S.
Deputy Executive Director

BK/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
James E. Rutkowski, Adjudication Specialist
Kevin W. Almeida, Senior Investigator (152577)