



## COMMONWEALTH of VIRGINIA

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Director

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Virginia Board of Nursing  
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Executive Director

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May 18, 2010

Errol R. Phillips, R.N.  
12704 Getty Lane  
Spotsylvania, VA 22551

**CERTIFIED MAIL**  
**71603901984862956723**

**Re: VA License No.: 0001-202427**  
**Expiration Date: January 31, 2012**

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 June 14, 2010, at 10:30 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, 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 inquire into allegations that you may have violated certain laws and regulations governing professional nursing practice in Virginia.

Specifically:

1. During the course of your employment with Medicorp Health System – Mary Washington Hospital, Fredericksburg, Virginia, you may have violated § 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") in that from approximately February 2009, to November 17, 2009, you diverted Dilaudid (hydromorphone) and morphine (both Schedule II) for your personal and unauthorized use. You 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. You replaced some of the Dilaudid vials with saline solution and returned the vials to the hospital stock for use. Further, on or about November 20, 2009, you returned to the hospital after being terminated, and diverted nine more vials of Dilaudid.

2. You may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that you falsified the application for employment with Mary Washington Hospital dated November 1, 2008, in that:

a. You answered "no" to the question, "have you ever been discharged, dismissed or terminated from employment," when, in fact, you were terminated from Fauquier Hospital on July 29, 2008.

b. You 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, you have had several convictions in Virginia, Maryland and North Carolina for driving while under the influence and being drunk in public.

3. You may be in violation of § 54.1-3007(6) of the Code in that you may be unable to safely practice nursing due to alcohol and substance abuse, as you acknowledged in signing a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program on or about March 8, 2010. Further, on or about September 6, 2009, in the Fredericksburg General District Court, you were convicted of being drunk in public.

In its deliberations, the Committee may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

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

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you;
- The Committee may impose a monetary penalty.

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) 367-4576, 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, Henrico, Virginia 23233, by June 7, 2010. 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.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.  
Deputy Executive Director, Discipline

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Special Conference Committee Members  
Tammie D. Jones, Adjudication Specialist  
Pamela Kincheloe, Investigator (Case no. 129397)  
Peggy Wood, Monitoring Program Coordinator