

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: DANIEL W. CHISOLM, R.N.
License No.: 0001-228459**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on April 8, 2015 in Henrico County, Virginia. Daniel Chisolm, R.N. was not present nor was he represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 20, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Chisolm 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. Daniel W. Chisolm, R.N., was issued License No. 0001-228459 to practice professional nursing by the Virginia Board of Nursing on December 21, 2010. Said license was suspended by Order of the Board entered November 23, 2011, due to findings of diversion and substance abuse, and was reinstated by Order of the Board entered February 26, 2014. Said license is set to expire on June 30, 2016. Mr. Chisolm holds expired licenses to practice professional nursing in Louisiana, North Carolina, and South Carolina. His primary state of residence is Virginia.

2. By letter dated March 9, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Chisolm notifying him that an informal conference would be held on April 8, 2015. The Notice was sent by certified and first class mail to 7506 Marbrett Drive, Apt. 205, Richmond, Virginia 23225, the address of record on file with the Board of Nursing. The Notice sent by certified mail was returned to the Board office marked "return to sender/unclaimed/unable to forward." The Notice sent by first class mail was not returned to the

Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Chisolm and the informal conference proceeded in his absence.

3. By Order of the Board entered February 26, 2014 (“Board’s Order”), Mr. Chisolm’s license to practice professional nursing was reinstated subject to certain terms and restrictions. Term No. 1 of this Order required Mr. Chisolm to enter into the Health Practitioners’ Monitoring Program (“HPMP”) and comply with all terms and conditions of the HPMP for the period specified by the HPMP.

4. Mr. Chisolm entered into a Participation Contract with HPMP on February 20, 2014, and he signed a Recovery Monitoring Contract on April 21, 2014.

5. On April 30, 2014, HPMP received a positive ethanol test result of 0.332% from Mr. Chisolm’s orientation screen performed on April 21, 2014. Mr. Chisolm failed to return calls from his HPMP case manager and stopped calling the test line on May 2, 2014. Further, he failed to attend substance abuse treatment as recommended. Mr. Chisolm was dismissed from HPMP on July 18, 2014 due to this non-compliance.

6. Mr. Chisolm did not respond to contact attempts by a Department of Health Professions investigator.

CONCLUSIONS OF LAW

Finding of Fact No. 5 constitutes a violation of Term No. 1 of the Board’s Order and § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Daniel W. Chisolm, R.N. is hereby REPRIMANDED.
2. License No. 0001-228459 of Daniel W. Chisolm, R.N. is INDEFINITELY SUSPENDED for not less than two years.
3. The license will be recorded as suspended and no longer current.
4. At such time as Mr. Chisolm 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 nursing. Mr. Chisolm 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.

5. 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. Chisolm failed to appear at the informal conference, this Order shall be considered final. Mr. Chisolm 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. Chisolm 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, M.S.M., R.N., C.S.A.C., F.R.E., 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 *Gloria Mitchell-Lively*
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: *May 29, 2015*

Certified True Copy

By *L. Brath*
Virginia Board Of Nursing