

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DAVID BARCLAY JOSEPH PATTERSON, R.N.  
License Number: 0001-233391  
Case Numbers: 178186, 179455

RATIFICATION AND ORDER

On July 19, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. David Barclay Joseph Patterson, R.N., was not present nor was he represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, 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.


Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Mr. Patterson's health records or health services.

Since Mr. Patterson failed to appear at the informal conference, this Order shall be considered final. Mr. Patterson 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. Patterson has thirty 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, 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 days are added to that period.

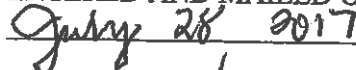
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By   
Virginia Board Of Nursing

FOR THE BOARD

  
for Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED AND MAILED ON:

  
July 26, 2017

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:       DAVID BARCLAY JOSEPH PATTERSON, R.N.**  
**License Number:   0001-233391**  
**Case Numbers:     178186, 179455**

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on June 5, 2017 in Henrico County, Virginia, to inquire into evidence that David Barclay Joseph Patterson, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Mr. Patterson did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Notice**

By letter dated May 8, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Mr. Patterson notifying him that an informal conference would be held on June 5, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the United States Postal Service, the Notice sent by certified mail was delivered on May 9, 2017. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Mr. Patterson and the informal conference proceeded in his absence.

### Recommended Findings of Fact and Conclusions of Law

1. David Barclay Joseph Patterson, R.N., was issued License Number 0001-233391 to practice professional nursing on August 30, 2011, which is scheduled to expire on February 28, 2018. At all times relevant to the findings herein, said license was in full force and effect. His primary state of residence is Virginia.
2. By Consent Order entered January 8, 2014 (“Board’s Order”), the Board took no action against Mr. Patterson’s license contingent on his continued compliance with the Health Practitioners’ Monitoring Program (“HPMP”), which he had entered in May 2013. This Order was based on findings that Mr. Patterson had diverted narcotics while employed with Mary Washington Hospital, Fredericksburg, Virginia, and that he had a history of addiction to narcotic pain medication.
3. Mr. Patterson violated Term Number 1 of the Board’s Order and Virginia Code § 54.1-3007(6) in that on March 2, 2017, he was dismissed from the HPMP for noncompliance with his Recovery Monitoring Contract. Specifically, he failed to enter and complete treatment as recommended, failed to submit monthly reports, and began employment without HPMP approval.
4. Mr. Patterson violated Virginia Code § 54.1-3007(5) in that during the course of his employment with Falls Run Nursing and Rehabilitation, Fredericksburg, Virginia, on several occasions in November 2016, by his own admission, he left his medication cart, which contained narcotic medications, unlocked and unattended.
5. Mr. Patterson violated Virginia Code § 54.1-3007(2) and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c), effective February 24, 2017) in that:
  - a. He tested positive for narcotic medications for which he had no prescriptions. Specifically, on July 21, 2016, he tested positive for oxycodone (C-II). On August 12, 2016, he tested

positive for oxycodone. On December 9, 2016, he tested positive for oxycodone and hydrocodone (C-II).

b. On March 2, 2017, during the course of his employment with Gaertner Psychiatric, Fredericksburg, Virginia, he was caught stealing tramadol (C-IV) out of a co-worker's handbag.

6. On March 14, 2017, Mr. Patterson told an investigator for the Department of Health Professions ("DHP") that he did not intend to respond to any more DHP complaints.

7. In February 2017, Mr. Patterson's substance abuse treatment provider told the DHP investigator that Mr. Patterson had a "high risk for relapse."

8. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Mr. Patterson's health records or health services.

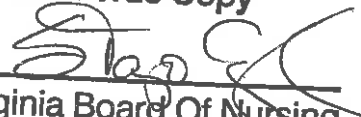
#### **Recommended Order**

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. David Barclay Joseph Patterson, R.N., is REPRIMANDED.
2. The license issued to David Barclay Joseph Patterson, R.N., to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than two years from the date of entry of this Order.
3. The license of David Barclay Joseph Patterson, R.N., will be recorded as SUSPENDED.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. Should David Barclay Joseph Patterson, R.N., seek reinstatement of his license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Mr. Patterson to demonstrate that he is safe and competent to return to the practice of nursing. Mr.

Patterson shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on June 16, 2017  
By Allison Gregory, M.S., R.N., F.N.P.-B.C.  
Agency Subordinate

Certified True Copy  
By   
Virginia Board Of Nursing