

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LEE S. PHILLIPS, R.N., L.N.P.
License No.: 0001-072656

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 August 27, 2013, in Henrico County, Virginia. Lee S. Phillips, R.N., L.N.P., was present and was represented by Margaret Hardy, Esquire. Janet B. Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 29, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Phillips submitted written comments and/or objections.

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. Lee S. Phillips, R.N., L.N.P., was issued License No. 0001-072656 on March 16, 1979 to practice professional nursing in Virginia. Said license is scheduled to expire on May 31, 2014. Ms. Phillips also holds License No. 208534-0, which expires on May 31, 2014, to practice professional nursing in the State of Minnesota, and License No. 59734, which expired on November 1, 2011, to practice professional nursing in the State of West Virginia. Her primary state of residence is Virginia.

2. By letter dated June 13, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Phillips notifying her that an informal conference would be held on July 9, 2013. The Notice was sent by certified and first class mail to 3431 Norway Place, Norfolk, Virginia 23509, the

address of record on file with the Board of Nursing. Ms. Phillips requested a continuance, and the informal conference was rescheduled for August 27, 2013.

3. From April, 2011, to January 25, 2013, Ms. Phillips wrote prescriptions for herself for Losartan, HCTZ, and Metoprolol without a bona fide practitioner-patient relationship.

4. On August 18, 2011, Ms. Phillips wrote prescriptions for Losartan and HCTZ, each with eleven refills, for a family member, without a bona fide practitioner-patient relationship.

5. On December 2, 2012, Ms. Phillips submitted a prescription refill request to Rite Aid Pharmacy #4381 for herself as the patient and indicated that she was practicing at Fairfield Psychological Associates, P.C., Virginia Beach, Virginia, when, in fact, her contract with Fairfield had been terminated on August 20, 2012.

6. On February 9, 2012, and November 29, 2011, Ms. Phillips phoned in fraudulent prescriptions for herself for Tussionex suspension (hydrocodone, Schedule III), using the name of her gynecologist as the prescriber.

7. At the informal conference, Ms. Phillips read an electronic letter from Dr. Annie Phillips, L.P.C., stating that Ms. Phillips is a skilled clinician and that the source was a person of questionable behavior. She agreed to provide a hard copy of the letter to the Board of Nursing office.

8. Ms. Phillips stated that she did not know that her self-prescribing and prescribing for family members without a bona fide practitioner-patient relationship was a violation and that if she had known, she would not have done it.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(5) and (8) of the Code.
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing ("Regulations").

4. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Lee S. Phillips, R.N., L.N.P., is hereby REPRIMANDED.
2. Ms. Phillips shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Phillips may, not later than 5:00 p.m., on January 13, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

Certified True Copy

By: 
Virginia Board of Nursing


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

ENTERED: December 10th, 2013

This Order shall become final on January 13, 2014 unless a request for a formal administrative hearing is received as described above.