

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: WILLIAM DAVID DIMENT, R.N.
License No.: 0001-149807

CONSENT ORDER

The Virginia Board of Nursing ("The Board") and William David Diment, R. N., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Mr. Diment to practice nursing in the Commonwealth of Virginia.

FINDINGS OF FACT

The Board adopts the following findings of fact in this matter:

1. William David Diment, R.N., was issued license number 0001-149807 by the Board to practice nursing in the Commonwealth of Virginia on July 25, 1996. Said license is active and will expire on February 28, 2015, unless renewed or otherwise restricted. Mr. Diment's primary state of residence is Virginia.
2. By Order entered August 20, 2009, the Virginia Board of Nursing reprimanded Mr. Diment's license to practice nursing for breach of patients' confidentiality. This action was based upon Mr. Diment's violation of 18 VAC 90-20-300(A)(2)(m) of the Virginia Board of Nursing Regulations in that, by his own admission in December 2005, during the course of his employment with the Commonwealth Center for Children and Adolescents in Staunton, Virginia, he copied multiple patient health records including names, ages and other identifying information. In 2007, he distributed the patient health records to several public agencies and newspapers without authorization.

3. By Default Decision and Order effective on July 12, 2013, the State of California Board of Registered Nursing revoked the license of William David Diment, R.N. This action was based solely on the Virginia Board's Order entered August 20, 2009.

4. By Order entered September 17, 2013, the Director of the Department of Health Professions mandatorily suspended Mr. Diment's license pursuant to Section 54.1-2409 of the Code due to the action of the California Board.

CONCLUSIONS OF LAW

This matter of the reinstatement of Mr. Diment's license to practice nursing in the Commonwealth of Virginia is properly before the Board.

CONSENT

I, William David Diment, R.N., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to an informal conference before the Board; and
 - b. the right to appear in person or by counsel, or other qualified representative before the agency.
4. I waive all rights to an informal conference;
5. I admit the truth of the above Findings of Fact; and

6. I consent to the following Order affecting my license to practice nursing in the Commonwealth of Virginia.

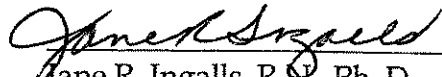
ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of William David Diment, R.N., to practice nursing in the Commonwealth of Virginia, be, and hereby is, REINSTATED effective September 17, 2013.

Mr. Diment shall maintain a course of conduct in his practice of nursing commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent 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.

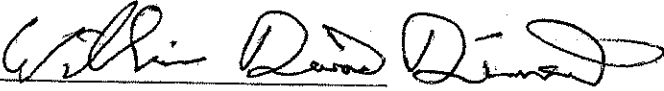
FOR THE BOARD:



Jane R. Ingalls, R.N., Ph. D.
President, Virginia Board of Nursing

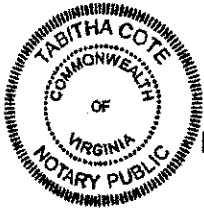
ENTERED: Sept 17, 2013

SEEN AND AGREED TO:



William David Diment, R.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Augusta, TO WIT:


Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 19th day of August, 2013, by William David Diment, R.N.



TABITHA COTE
Notary Public
Commonwealth of Virginia
My Commission Expires 9/30/15
Commission ID# 326448


Notary Public

Registration Number: 326448
My commission expires: 9/30/15

Certified True Copy
By 
Virginia Board of Nursing

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: WILLIAM DAVID DIMENT, R.N.
License No.: 0001-149807

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the State of California Board of Registered Nursing revoked the license of William David Diment, R.N., to practice nursing in the State of California by Default Decision and Order effective July 12, 2013. A certified copy of the Default Decision and Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of William David Diment, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Pursuant to Sections 2.2-4023 and 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.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: _____

9-17-13



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

CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Default Decision and Order effective July 12, 2013, regarding William David Diment, R.N., are true copies of the records received from the State of California Board of Registered Nursing.

D. Reynolds-Cane MD

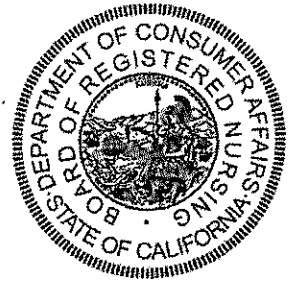
Dianne L. Reynolds-Cane, M.D.

Date: 9-17-13

I hereby certify the foregoing to be a true copy of the documents on file in our office.

BOARD OF REGISTERED NURSING

Louise R. Bailey M.Ed., RN
Louise R. Bailey, M. Ed., RN
Executive Officer



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:
WILLIAM DAVID DIMENT
100 S. New Street, Apt. 501
Staunton, VA 24401
Registered Nurse License No. 718481
Respondent.

Case No. 2013-754

DEFAULT DECISION AND ORDER

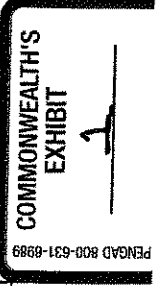
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 14, 2013, Complainant Louise R. Bailey, M.Ed., R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-754 against William David Diment ("Respondent") before the Board of Registered Nursing. (Accusation attached as **Exhibit A**).

2. On or about January 23, 2008, the Board of Registered Nursing ("Board") issued Registered Nurse License No. 718481 to Respondent. The Registered Nurse License expired on March 31, 2009, and has not been renewed.

///



1 3. On or about March 14, 2013, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2013-754, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is:

7 100 S. New Street, Apt. 501.
8 Staunton, VA 24401.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about April 2, 2013, the aforementioned documents were returned by the U.S.
13 Postal Service marked "Vacant." The address on the documents was the same as the address on
14 file with the Board. Respondent failed to maintain an updated address with the Board and the
15 Board has made attempts to serve the Respondent at the address on file. Respondent has not
16 made himself available for service and therefore, has not availed himself of his right to file a
17 notice of defense and appear at hearing.

18 6. Government Code section 11506 states, in pertinent part:

19 (c) The respondent shall be entitled to a hearing on the merits if the respondent
20 files a notice of defense, and the notice shall be deemed a specific denial of all parts
21 of the accusation not expressly admitted. Failure to file a notice of defense shall
22 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
23 may nevertheless grant a hearing.

24 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
25 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
26 2013-754.

27 8. California Government Code section 11520 states, in pertinent part:

28 (a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

1 9. Pursuant to its authority under Government Code section 11520, the Board finds
2 Respondent is in default. The Board will take action without further hearing and, based on the
3 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
4 taking official notice of all the investigatory reports, exhibits and statements contained therein on
5 file at the Board's offices regarding the allegations contained in Accusation No. 2013-754, finds
6 that the charges and allegations in Accusation No. 2013-754, are separately and severally, found
7 to be true and correct by clear and convincing evidence.

8 10. Taking official notice of its own internal records, pursuant to Business and
9 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
10 and Enforcement is \$825.00 as of April 11, 2013.

11 **DETERMINATION OF ISSUES**

12 1. Based on the foregoing findings of fact, Respondent William David Diment has
13 subjected his Registered Nurse License No. 718481 to discipline.

14 2. The agency has jurisdiction to adjudicate this case by default.

15 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
16 Nurse License based upon the following violations alleged in the Accusation which are supported
17 by the evidence contained in the Default Decision Evidence Packet in this case.:

18 a. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
19 the Code in that on or about August 20, 2009, the Virginia Board of Nursing ("Virginia Board")
20 made findings of fact, conclusions of law and issued an order reprimanding Respondent's license
21 to practice professional nursing in that state. The circumstances underlying the disciplinary
22 action by the Virginia Board are that by his own admission in December 2005, during the course
23 of Respondent's employment with the Commonwealth Center for Children and Adolescents in
24 Staunton, Virginia. Respondent copied 81 pages of multiple patient health records, including
25 names, ages, and other identifying information. In 2007, he distributed the patient health records
26 to several agencies and newspapers, including the Secretary of the Virginia Department of Health
27 and Human Resources, the Virginia Office of the Inspector General, the Justice Department, the
28

1 American Civil Liberties Union, the Richmond Times Dispatch newspaper, the Washington Post
2 and the Associated Press, without authorization.

3 b. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
4 Code on the grounds of unprofessional conduct in that Respondent copied and distributed
5 multiple patient health records without authorization. The conduct is described in more
6 particularity in Accusation No. 2013-754, hereby incorporated by reference.

7 c. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
8 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are
9 described in more particularity in Accusation No. 2013-754, hereby incorporated by reference.

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS SO ORDERED that Registered Nurse License No. 718481, heretofore issued to Respondent William David Diment, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on JULY 12, 2013.

It is so ORDERED JUNE 14, 2013.



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51277003.DOC
DOJ Matter ID:LA2012508352

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KATHERINE MESSANA
Deputy Attorney General
4 State Bar No. 272953
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2554
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2013-754*

11 **WILLIAM DAVID DIMENT**

12 100 S. New Street, Apt. 501
13 Staunton, VA 24401

ACCUSATION

14 Registered Nurse License No. 718481

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about January 23, 2008, the Board of Registered Nursing issued Registered
23 Nurse License Number 718481 to William David Diment ("Respondent"). The Registered Nurse
24 License expired on March 31, 2009, and has not been renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

1 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
2 any licensee, including a licensee holding a temporary or an inactive license, for any reason
3 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
5 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
6 licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code
7 provides, in pertinent part, that the Board may renew an expired license at any time within eight
8 years after the expiration.

9 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
10 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
11 disciplinary action during the period within which the license may be renewed, restored, reissued
12 or reinstated.

13 7. Section 2761 of the Code states, in pertinent part:

14 "The board may take disciplinary action against a certified or licensed
15 nurse or deny an application for a certificate or license for any of the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the
17 following:

18 ...

19 (4) Denial of licensure, revocation, suspension, restriction, or any other
20 disciplinary action against a health care professional license or certificate by another
state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action.

21 ...

22 (d) Violating or attempting to violate, directly or indirectly, or assisting in
23 or abetting the violating of, or conspiring to violate any provision or term of this
chapter or regulations adopted pursuant to it."

24 **COST RECOVERY**

25 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Virginia Board of Nursing)**

5 9. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
6 the Code in that on or about August 20, 2009, the Virginia Board of Nursing ("Virginia Board")
7 made findings of fact, conclusions of law and issued an order reprimanding Respondent's license
8 to practice professional nursing in that state. The circumstances underlying the disciplinary
9 action by the Virginia Board are that by his own admission in December 2005, during the course
10 of Respondent's employment with the Commonwealth Center for Children and Adolescents in
11 Staunton, Virginia. Respondent copied 81 pages of multiple patient health records, including
12 names, ages, and other identifying information. In 2007, he distributed the patient health records
13 to several agencies and newspapers, including the Secretary of the Virginia Department of Health
14 and Human Resources, the Virginia Office of the Inspector General, the Justice Department, the
15 American Civil Liberties Union, the Richmond Times Dispatch newspaper, the Washington Post
16 and the Associated Press, without authorization.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 10. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
20 Code on the grounds of unprofessional conduct in that Respondent copied and distributed
21 multiple patient health records without authorization. The conduct is described in more
22 particularity in paragraph 9 above, inclusive and hereby incorporated by reference.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Violation of the Nursing Practice Act)**

25 11. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
26 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are
27 described in more particularity in paragraphs 9 and 10 above, inclusive and hereby incorporated
28 by reference.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 718481, issued to William David Diment;

2. Ordering William David Diment to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

March 14, 2013

for Luise Ben

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2012508352
51210278.doc