

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

NEIL G. PATRY, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Neil G. Patry, R.N., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Patry's license to practice as a professional nurse in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Neil G. Patry, R.N., was issued License No. 0001-195179 to practice as a registered nurse by the Virginia Board of Nursing on March 28, 2005. Said license is set to expire on April 30, 2010.
2. On Mr. Patry's application for licensure by endorsement as a registered nurse signed January 7, 2005, he answered "no" to the question: "Have you ever been convicted, pled guilty to or pled Nolo Contendere to any federal, state or other statute or ordinance constituting a felony or misdemeanor? (Including convictions for driving under the influence . . . [D])" when he was convicted on October 25, 2004, in the District Court of Manchester County, New Hampshire, of driving while intoxicated.
3. During the course of his employment as a professional nurse at the Doctors Surgery Center, Williamsburg, Virginia, from September 2006 to April 14, 2008, Mr. Patry diverted various quantities of Dilaudid (hydromorphone, Schedule II), morphine (Schedule II), and Demerol (meperidine, Schedule II) for his personal and unauthorized use during and after work. As a result, he was terminated from his employment.

4. Mr. Patry signed a Participation Contract with the Health Practitioners' Intervention Program ("HPIP") on May 7, 2008, and a Recovery Monitoring Contract with HPIP on July 15, 2008. Jennifer Sears-Cockram, Mr. Patry's case manager, indicated that he was in compliance with his HPIP contracts.

5. Mr. Patry's sobriety date is April 17, 2008.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(1) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(1)(b) of the Board of Nursing Regulations ("Regulations").

2. Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(2), (5) and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Regulations.

CONSENT

Neil G. Patry, by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against him;
4. He waives all such right to an informal conference;
5. He admits to the Findings of Fact contained herein and waives his right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his right to practice as a professional nurse in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Neil G. Patry, R.N., is hereby REPRIMANDED.

2. The Board shall TAKE NO FURTHER ACTION at this time contingent on the following conditions:

a. Neil G. Patry shall comply with all terms and conditions for the period specified by the HPIP.

b. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Patry, and an administrative proceeding shall be held to determine whether his license shall be revoked. Mr. Patry shall be noticed to appear before the Board at such time as the Board is notified that:

i. Mr. Patry is not in compliance with the terms and conditions specified by the HPIP;

ii. Mr. Patry's participation in the HPIP has been terminated;

iii. There is a pending investigation or unresolved allegation against Mr. Patry involving a violation of law, regulation, or any term or condition of this order.

3. This Order is applicable to Mr. Patry's multistate licensure privileges, if any, to practice as a professional nurse in the Commonwealth of Virginia. For the duration of this Order, Mr. Patry shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where he wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Mr. Patry shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 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 public record and shall be made available for public inspection or copying upon request.

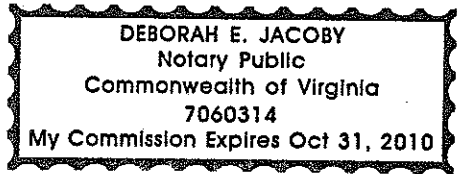
FOR THE BOARD

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

ENTERED: January 14th 2009

SEEN AND AGREED TO:

Neil Patry
Neil G. Patry



COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Newport News, TO WIT:

Subscribed and sworn to before me, Deborah E Jacoby a Notary Public, this 29 day of December, 2008.

My commission expires October 31, 2010.

Registration Number 7060314.

Deborah E Jacoby
NOTARY PUBLIC