

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LEE MCCOLLUM, JR., L.P.N.
License No.: 0002-053270

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 18, 2013, in Henrico County, Virginia. Mr. McCollum was not present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. McCollum 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. Lee McCollum, Jr., L.P.N., was issued License No. 0002-053270 to practice practical nursing in Virginia on August 7, 1996. The license is scheduled to expire on August 31, 2013. His primary state of residence is Virginia.

2. By letter dated March 21, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. McCollum notifying him that an informal conference would be held on April 18, 2013. The Notice was sent by certified and first class mail to 100 Emancipation Drive 148-149a, Hampton, Virginia 23667, the address of record on file with the Board of Nursing. The first class mail was returned to the Board marked "return to sender" and the Certified Mail was also returned to the

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

3. A Board Order entered April 6, 2011 (“Board’s Order”), provided that the Board would take no action against Mr. McCollum’s license contingent upon Mr. McCollum’s compliance with the Health Practitioners Monitoring Program (“HPMP”) for the period specified by the HPMP. The Order was based on findings that Mr. McCollum was unsafe to practice practical nursing in that he had diverted Percocet (oxycodone/apap schedule II) for his own personal use and that he had been hospitalized for substance abuse and mental illness.

4. Mr. McCollum entered the HPMP, but was dismissed on July 20, 2012, due to non-compliance with his recovery monitoring contract and continued substance abuse, as evidenced by the following:

a. Mr. McCollum failed to call the HPMP test line on November 7, 2011 and November 8, 2011, and did not submit a urine drug screen on November 9, 2011. He was placed on warning status by the HPMP. On May 7, 2012, Mr. McCollum again failed to submit a urine drug screen.

b. Mr. McCollum ceased reporting for work at the Ashland Nursing & Rehabilitation Center, Ashland, Virginia, in May, 2012, following a drug relapse in April, 2012. His employment was terminated because of his unexplained absences.

c. Mr. McCollum entered an in-patient substance abuse treatment program at the VA Medical Center, Martinsburg, West Virginia, on July 13, 2012. However, after an unsuccessful two-month stay, he was discharged from the VA program.

5. After initially engaging in a cooperative relationship with the Department of Health Professions investigator and signing release forms in August, 2012, Mr. McCollum ceased all

communication with the investigator. In October, 2012, the investigator attempted by phone and letter to reach Mr. McCollum but received no response.

6. On October 16, 2012, a certified addiction specialist who had treated Mr. McCollum at the VA Medical Center in Martinsburg, West Virginia, told the investigator that he would not approve Mr. McCollum's return to work as a nurse.

7. Mr. McCollum's current employment status is unknown.

CONCLUSIONS OF LAW

Finding of Fact #4 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 1 of the Board's Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Lee McCollum, L.P.N., is hereby REPRIMANDED.
2. License No. 0002-053270 of Lee McCollum, Jr., L.P.N., is INDEFINITELY SUSPENDED for a period of not less than two years.
3. The license will be recorded as suspended and no longer current.
4. At such time as Mr. McCollum 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 practical nursing. Mr. McCollum 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 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. McCollum failed to appear at the informal conference, this Order shall be considered final. Mr. McCollum 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. McCollum 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, R.N., M.S.M., C.S.A.C., 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



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

Entered: August 5TH, 2013

Certified True Copy

By 

Virginia Board of Nursing