

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

LEE A. McCOLLUM, L.P.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Lee A. McCollum, L.P.N., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. McCollum's license to practice practical nursing in Virginia.

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

FINDINGS OF FACT

1. Lee A. McCollum, 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, 2011. Mr. McCollum also held licenses to practice practical nursing in the states of Maryland, Texas, Washington, and Colorado, all of which have expired. Mr. McCollum's primary state of residence is Virginia.

3. During Mr. McCollum's employment at Manor Care Stratford Hall, Richmond, Virginia:

a. On March 17, 2010, he diverted approximately 18 dosage units of Percocet (oxycodone/apap, Schedule II) for his own personal and unauthorized use, as evidenced by the following: When Mr. McCollum received the medication cart at 3:00 p.m., the cart contained a card with ten tablets of Percocet for Resident A and a card with eight tablets of Percocet for Resident B. When Mr. McCollum's shift ended at 11:00 p.m., the two cards were missing and each card had been replaced with a new card containing 30 tablets of Percocet, which had been ordered by Mr. McCollum. Moreover, there was no documentation in the residents' records of the Percocet having been administered.

b. Upon review of patient records at Manor Care Stratford Hall, the Director of Nursing noted that in March, 2010, Mr. McCollum documented the administering of Percocet to residents at times he was not on duty or had not taken possession of the medication cart keys.

c. Between February 11, 2010, and March 24, 2010, there were a total of 319 tabs of Percocet missing from the facility.

4. Mr. McCollum is currently unsafe to practice practical nursing due to substance abuse and/or mental illness, as evidenced by several recent hospitalizations involving substance abuse and suicidal ideations. He attended residential and extended care chemical dependency treatment between September and December, 2010. He signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on December 7, 2010.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

2. Findings of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Lee A. McCollum, L.P.N., 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 and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his right to practice practical nursing 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:

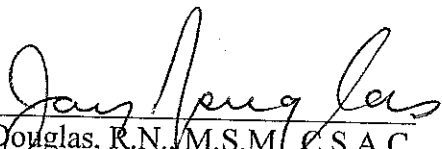
1. The Board shall TAKE NO ACTION at this time contingent on Mr. McCollum's continued compliance with the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. McCollum, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. McCollum shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. He is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against him involving a violation of law or regulation or any term or condition of this Order; or
 - c. He has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. McCollum's participation in and compliance with the HPMP, the Board, at its discretion, may waive his appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Mr. McCollum's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. McCollum 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. McCollum shall maintain a course of conduct in his capacity as a practical 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 P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

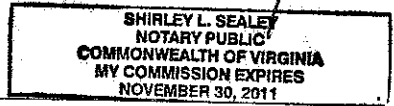
ENTERED: April 6th 2011

SEEN AND AGREED TO:

Lee A. McCollum
Lee A. McCollum, L.P.N.

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

Subscribed and sworn to before me, Shirley Sealey, a Notary Public, this 23rd day of March, 2011.



My commission expires _____

Registration Number 7084797

Shirley Sealey
NOTARY PUBLIC