

IN THE MATTER OF
BYRAN KEITH SPILLMAN
LICENSE NO. R154810

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BEFORE THE
MARYLAND BOARD
OF NURSING

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**ORDER LIFTING AND TERMINATING SUMMARY SUSPENSION
OF REGISTERED NURSE LICENSE/ORDER DISMISSING CHARGES**

On or about October 8, 2002, the Maryland Board of Nursing (the "Board") issued, via regular and certified mail, an "Order for Summary Suspension of Nursing License" ("Summary Suspension Order") to Byran Keith Spillman (the "Respondent"), a registered nurse ("RN") in the State of Maryland, license number R154810.¹ The Summary Suspension Order notified the Respondent that the Board had summarily suspended his RN license pursuant to the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-226(c)(2) (2000), and that the Board was charging him with violations of the Maryland Nurse Practice Act, Md. Code. Ann, Health Occ. §§ 8-101 *et seq.* (2000), specifically § 8-316(a)(7)(ii), (8), and (21).

The Summary Suspension Order also notified the Respondent that a show cause hearing regarding the summary suspension was scheduled for October 22, 2002, to give the Respondent an opportunity to show cause as to why his license should not continue to be summarily suspended. The Summary Suspension Order further informed the Respondent that, if his license remained suspended following the show cause hearing, he would have an opportunity to request an evidentiary hearing on the merits of the suspension by submitting a written request within thirty days of the show cause hearing.

In November 2022, Board staff conducted an audit of old files. Upon review of the

¹ The October 8, 2002 Order for Summary Suspension is attached to this Order as Exhibit A.

Spillman, Byran Keith (R154810)
Order Lifting and Terminating Summary Suspension of Registered Nurse License

Respondent's file, the following was determined: (1) there was no record that the Respondent requested an evidentiary hearing on the merits of the summary suspension; and (2) the Respondent's RN license remained summarily suspended.

Upon consideration of the length of time that has passed since the issuance of the Summary Suspension Order (approximately 20 years), the Board concludes that the public health, safety, and welfare no longer imperatively requires the summary suspension of the Respondent's Maryland RN License. Accordingly, on its own initiative, the Board hereby issues this Order lifting and terminating the summary suspension of the Respondent's RN license.²

ORDER

Based upon the foregoing, it is hereby:

ORDERED that the summary suspension of the Respondent's license to practice as a registered nurse in the State of Maryland (license number R154810), as ordered by the Board's October 8, 2002 Order for Summary Suspension and Charges, is hereby **LIFTED AND TERMINATED**; and it is further

ORDERED that this Order of the Maryland Board of Nursing is a **PUBLIC RECORD** pursuant to Md. Code Ann., General Provisions Article §§ 4-101, *et seq.* (2019).

February 9, 2023
Date

Karen E.B. Evans, MSN, RN-BC
The Executive Director's Signature
Appears on the Original Document

K
E
Maryland Board of Nursing

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² The Respondent's Maryland RN license otherwise expired on September 28, 2003.

IN THE MATTER OF

Byran Keith Spillman

License Number: R154810

BEFORE THE

MARYLAND BOARD

OF NURSING

ORDER FOR SUMMARY SUSPENSION
OF NURSING LICENSE

BACKGROUND

In December 2001, the Maryland Board of Nursing ("the Board") received two complaints concerning the nursing practice of Byran Keith Spillman ("Respondent"), License Number R154810. Both complaints concerned Respondent's diversion of controlled dangerous substances ("CDS") at hospitals where he was assigned to work through NurseFinders, a nurse staffing agency. Also in December 2001, Respondent contacted the Board to self-report his

In a letter dated December 14, 2001, Respondent was invited to meet with the Board's Rehabilitation Committee ("the Committee"). Respondent also began a drug rehabilitation program ("rehabilitation program"). He was compliant in his rehabilitation program and discharged on February 6, 2002. On February 15, 2002, Respondent relapsed

On March 7, 2002, the Committee received a urine drug screen report on Respondent that was On March 8, 2002, Respondent entered into a

¹ Demerol is an opiate and Schedule II CDS.

² Ativan is a benzodiazepine and Schedule IV CDS.

³ THC is a metabolite of marijuana.

Participation Agreement with the Committee ("the Agreement").⁴ Respondent resumed treatment in a rehabilitation program. Respondent met with the Committee on June 5, 2002 and stated that his recovery from CDS dependency was going well. In June and July 2002, Respondent submitted urine drug screens that were [redacted]

[redacted]

In or about August 2002, Respondent worked at [redacted] through [redacted] Agency [redacted], a nurse staffing agency. According to [redacted] Director of Nursing, Respondent signed out CDS for patients who denied receiving CDS from him. Respondent was also implicated in an incident involving missing Percocet⁵ and a CDS count sheet. When Respondent was asked to submit to a urine drug screen, after the Percocet disappeared, he failed to follow through. Respondent's conduct was reported to the Board by [redacted]. On August 7, 2002, Respondent's urine drug test was [redacted]. On August 8, 2002, Respondent met with the Committee and turned in his nursing license, stating that he was going to seek employment that would not involve nursing.

Based upon a fourth complaint received by the Board, information received by the Committee from Respondent's rehabilitation program, Respondent's failure to comply with conditions in his Agreement and subsequent action by the Committee, the

⁴ A Participation Agreement is a written agreement between the Committee and a licensee. It permits the licensee to continue nursing employment subject to certain conditions.

⁵ Darvocet is a synthetic opiate and Schedule IV CDS.

⁶ Percocet is an opiate and Schedule II CDS.

Board has reason, as set forth below, to find that the public health, safety or welfare imperatively requires emergency action under Md. Code Ann., State Gov't. ("SG") § 10-226 (c)(2) (1999 Repl. Vol.).

**ALLEGATIONS OF FACT AND REASONS IN SUPPORT OF
SUMMARY SUSPENSION**

The Board has received reliable information that the following facts are true:

1. At all times relevant to the statements herein, Respondent was and is licensed to practice registered nursing in the State of Maryland.
2. On September 16, 2002, the Committee was notified by Respondent's rehabilitation program that Respondent failed to submit a random urine drug screen and attend treatment sessions.
3. On October 3, 2002, the Board received a complaint from Hospital Center . Respondent was working at the facility through
4. The complaint stated that, on September 16, 2002, Respondent was assigned to work in the Intensive Care Unit ("ICU"). Three ICU staff nurses observed that Respondent appeared impaired while on duty. Respondent exhibited a staggered gait, unsteady movements, slurred speech, glassy eyes, and he had blood on his left arm. It was also noted that Respondent was going back and forth to the bathroom and told a patient's visitors that he vomited and did not feel well.
5. Further investigation showed that Respondent overrode the ICU's

Pyxis⁷ and withdrew eight 75 mg. vials of injectable Demerol for a patient who was not receiving that medication.

6. Respondent was confronted about the Demerol withdrawals and "admitted without hesitation" that he took the Demerol and injected himself with all eight vials intravenously.
7. On October 9, 2002, the Committee expelled Respondent from the Board's rehabilitation program because it was determined he was no longer safe to practice nursing. The expulsion was based on Respondent's non-compliance with his rehabilitation program, dishonesty with the Committee about pursuing non-nursing employment and failure to comply with conditions 2, 5, 9, 10, 11, 12, 13, 15, 17, and 20 in his Agreement.
8. Respondent's behavior, as described above, indicates he has an active CDS addiction and is unsafe to practice nursing. Respondent's non-compliance with his rehabilitation program, dishonesty with the Committee about pursuing employment outside of nursing, and disregard of conditions in his Agreement, demonstrates a lack of professional responsibility for his nursing practice. Due to Respondent's expulsion from the Board's rehabilitation program, his nursing practice is no longer being monitored. Without monitoring, Respondent's nursing practice is a

⁷ A Pyxis is an automated drug dispensing device that records CDS information such as dose, time of withdrawal, patient name and identification of nurse accessing the medication.

danger to patients and staff due to potential CDS access. Based on his conduct and information obtained by the Board, as described above, Respondent's nursing practice is a danger to the public health, safety and welfare.

9. Based on the information provided in paragraphs 1 through 8, the Board finds that the public health, safety or welfare imperatively requires emergency action in this case.
10. Based on the allegations of fact in paragraphs 1 through 8, the Board has probable cause to charge Respondent with violations of the Nurse Practice Act (the "Act"). Md. Code Ann., Health Occupations Article ("HO"), §§ 8-101 *et. seq.* (2000) as listed below. The pertinent provisions of HO § 8-316 (a), and those under which the above allegations of fact in paragraphs 1 through 8 are brought, are as follows:
 - (a) *In general.*- Subject to the hearing provisions of § 8-317 of this subtitle, the Board may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the . . . licensee:
 - (7) Provides professional services while:
 - (ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing; and

(21) Is expelled from the rehabilitation program established pursuant to § 8-208 of this title for failure to comply with conditions of the program.

The applicable section of SG § 10-226 (c)(2) provides that:

(2) A unit may order summarily the suspension of a license if the unit:

(i) finds that the public health, safety, or welfare imperatively requires emergency action; and

(ii) promptly gives the licensee:

1. Written notice of the suspension, the finding and the reasons that support the finding; and

2. An opportunity to be heard.

CONCLUSIONS OF LAW

Based on the foregoing investigative information, the Board finds that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't. §10-226 (c)(2) (1999 Repl. Vol.).

ORDER

It is, by a majority of a quorum of the Maryland Board of Nursing:

ORDERED that, pursuant to the authority vested in the Board by Md. Code Ann., Health Occ., § 8-316 (a) and Md. Code Ann., State Gov't., §10-226 (c)(2), the license of Byran Keith Spillman, an individual licensed to practice **REGISTERED**

NURSING, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that, there will be a Show Cause Hearing on Tuesday, October 22, 2002 at 12:45 P.M. before the Board at the Board of Nursing, 4140 Patterson Avenue, Baltimore, Maryland 21215, for Respondent to have the opportunity to show cause as to why his license should not be suspended; and be it further

ORDERED that, if Respondent's license remains suspended following a Show Cause Hearing, upon a written request by Respondent, an evidentiary hearing to consider the merits of this Summary Suspension will be held at the Board of Nursing, within a reasonable period of time from the date upon which the Board receives the written request; and be it further

ORDERED that, if Respondent requests an evidentiary hearing before the Board, Respondent must make the request in writing within thirty (30) days from the date of the Show Cause Hearing. If a request for hearing is not received within thirty (30) days from the date of the Show Cause Hearing, Respondent waives all rights now and in the future to any hearing with respect to this Order or the associated charges, or to any proceedings that would contest the validity of the factual allegations of this Order for Summary Suspension and to any appeals; and be it further

ORDERED that, this Order is a public document pursuant to Md. Code Ann., State Gov't. § 10-601, *et. seq.*, (1999 Repl. Vol.).

10/8/02
Date

Donna M. Dorsey, RN, MS
The Executive Director's Signature
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