

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHARLES JUDE JOHNSON, R.N.
License Number: 0001-235703
Case Number: 175201

RATIFICATION AND ORDER

On July 19, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Charles Jude Johnson, R.N., was present and was not represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.


Pursuant to Virginia Code § 54.1-2400.2, 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.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Mr. Johnson's health records or health services.

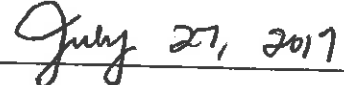
Pursuant to Virginia Code § 54.1-2400(10), Mr. Johnson may, not later than 5:00 p.m., on August 29, 2017, notify Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Certified True Copy

By 
Virginia Board Of Nursing

FOR THE BOARD

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

ENTERED AND MAILED ON:


July 27, 2017

This Order shall become final on August 29, 2017, unless a request for a formal administrative hearing is received as described above.

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHARLES JUDE JOHNSON, R.N.
License Number: 0001-235703
Case Number: 175201

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Allison Gregory, M.S., R.N, F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on May 25, 2017 in Henrico County, Virginia, to inquire into evidence that Charles Jude Johnson, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Mr. Johnson appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated April 26, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Mr. Johnson notifying him that an informal conference would be held on May 25, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Recommended Findings of Fact and Conclusions of Law

1. Charles Jude Johnson, R.N., was issued License Number 0001-235703 to practice professional nursing on February 6, 2012, which is scheduled to expire on January 31, 2018. At all times relevant to the findings herein, said license was in full force and effect. His primary state of residence is Virginia.

2. Mr. Johnson violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice as a professional nurse due to substance abuse and mental illness, as evidenced by the following:

a. On July 25, 2016, Mr. Johnson presented to the emergency department at Henrico Doctors Hospital, Richmond, Virginia ("HDH"), subsequent to a morphine overdose. After being medically cleared by the emergency department, he was transferred to the Behavioral Health Unit of HDH where he was diagnosed with mood disorder, not otherwise specified, alcohol dependence, and opiate abuse.

b. Mr. Johnson acknowledged that he is an alcoholic who has relapsed six times in the last three years. In his May 18, 2017 correspondence to the Board, Mr. Johnson maintained that he has been sober since his July 25, 2016 admission to HDH.

c. From August 17, 2013 through September 7, 2013, Mr. Johnson received inpatient substance abuse treatment at Life Center of Galax, Galax, Virginia where he was diagnosed with alcohol dependence and depressive disorder, not otherwise specified. Mr. Johnson's treatment records indicate that he had consumed approximately one liter of liquor daily for the prior six months. Upon discharge, Mr. Johnson was advised to attend five to seven Alcoholics Anonymous or Narcotics Anonymous meetings per week.

d. On June 9, 2013, Mr. Johnson was admitted to Chippenham Johnston-Willis Medical Center, Tucker Pavilion, Richmond, Virginia for treatment of depression and alcohol dependence.

e. From June 27, 2012 through August 22, 2016, Mr. Johnson received treatment from his primary care physician, Commonwealth Primary Care (formerly Richmond Primary Care), Richmond, Virginia. Mr. Johnson's medical record noted a history of alcohol abuse and relapse.

f. On January 26, 2016, Mr. Johnson was convicted of misdemeanor public swearing and intoxication in the Williamsburg-James City County, Virginia, General District Court.

g. On May 21, 2014, Mr. Johnson was convicted of misdemeanor reckless driving, reduced from an initial charge of misdemeanor driving while intoxicated, in the Henrico County, Virginia, General District Court.

h. On October 22, 2013, Mr. Johnson was convicted of misdemeanor public intoxication in the Henrico County, Virginia, General District Court.

3. Mr. Johnson stated at the informal conference that he received treatment from his psychiatrist for medication management and utilized the behavioral health and substance abuse treatment programs at the Hunter Holmes McGuire VA Medical Center, Richmond, Virginia ("McGuire"). He stated that he attends Celebrate Recovery, a faith based substance abuse group, four to five times per week and that he has recently been assigned a leadership role with the group. He stated that he does not yet have a sponsor or an accountability partner.

4. Mr. Johnson submitted documentation of his January 25, 2017 completion of the Substance Abuse Recovery Group and Treatment program at McGuire. Mr. Johnson also submitted a letter to the Board dated May 11, 2017 from his psychiatrist, who opined that Mr. Johnson's prognosis is good as long as he continues in his treatment and abstains from alcohol.

5. Mr. Johnson stated that he is not currently seeing his psychiatrist due to his recent move from Richmond to Roanoke but, that he plans to register with the VA in Roanoke for treatment. He stated that his psychiatrist is aware that he will be transitioning to the Roanoke VA and that he will continue to attend local meetings with Celebrate Recovery.

6. Mr. Johnson maintained that he has never been impaired at work nor has his alcoholism affected his nursing practice. Mr. Johnson stated that he has looked into the Virginia Health Practitioners' Monitoring Program ("HPMP"). He stated that he is not in a financial position to lose his employment in order to participate in the program; however, he will do whatever is necessary to keep his license.

7. Mr. Johnson acknowledged that he has had seven employers in the last five years with one termination in 2014 for unsatisfactory job performance. Mr. Johnson stated that he is currently employed as a professional nurse on the rehabilitation unit at the Lewis Gale Medical Center, Roanoke, Virginia. He stated that he has been employed there for the past two months. His stated that his employer is not aware of his appearance at the informal conference but that he disclosed his substance abuse issues.

8. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Mr. Johnson's health records or health services.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The Board shall TAKE NO ACTION at this time, contingent upon Mr. Johnson's compliance with the following terms and conditions:

a. Charles Jude Johnson, R.N., shall enter into the Virginia Health Practitioners' Monitoring Program and shall provide to the Board proof of entry into a Contract with the HPMP within 60 days of the date this Order is entered. Thereafter, Mr. Johnson shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

- b. Upon receipt of evidence of Mr. Johnson's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Mr. Johnson's appearance before the Board and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.
- c. This Order is applicable to Mr. Johnson's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Johnson 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 seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
- d. Charles Jude Johnson, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.
- e. Failure to comply with the terms and conditions of this Order shall constitute grounds for an administrative proceeding before the Board.

Reviewed and approved on June 2, 2017
By Allison Gregory, M.S., R.N, F.N.P.-B.C.
Agency Subordinate

Certified True Copy

By 
Virginia Board Of Nursing