

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:**           **CHARLES JUDE JOHNSON, R.N.**  
**License Number:**   **0001-235703**  
**Expiration Date:**   **January 31, 2018**  
**Case Number:**       **175201**

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**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before an Agency Subordinate of the Board.
<b>DATE AND TIME:</b>	May 25, 2017 at 9:00 a.m.
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

**Board's Review of Agency Subordinate's Recommended Decision**

If you appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you fail to appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

**ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

**RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

**INFORMAL CONFERENCE MATERIALS:**

Enclosed is a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

**FILING DEADLINES:**

Deadline for filing materials: **May 18, 2017**. Submit 5 copies of all documents you want the Board to consider to Sylvia Tamayo-Suijk, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

**REQUEST FOR A CONTINUANCE**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **May 18, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **May 18, 2017**.

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**STATEMENT OF ALLEGATIONS**

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The Board alleges that:

1. At all times relevant hereto, Charles Jude Johnson, R.N., was licensed to practice professional nursing in the Commonwealth of 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 or about 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. By his own admission, Mr. Johnson is an alcoholic who has relapsed six times in the last three years.
  - c. From on or about 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 or about 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 on or about 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 or about 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 or about May 21, 2014, Mr. Johnson was convicted of misdemeanor reckless driving, reduced from an initial charge of misdemeanor driving while intoxicated, in the Henrico, Virginia, General District Court.

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

3. Mr. Johnson violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(f) effective February 24, 2017), in that during his employment with Gentiva Hospice of Richmond, Richmond, Virginia:

a. On or about March 7, 2014, he failed to prepare a patient for her appointment to receive a PET scan as ordered by her urologist. The patient was subsequently sent to the emergency room with kidney stones.

b. In or about February 2014, he failed to implement a bowel regime for a patient, resulting in excruciating pain for the patient.

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.



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Jodi Power, R.N., J.D.  
Deputy Executive Director  
Virginia Board of Nursing

April 26, 2017  
Date