

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: BARRY ROBERT EDWARDS, L.P.N.
License Number: 0002-039939
Case Number: 172398

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on March 23, 2017, in Henrico County, Virginia, to inquire into evidence that Barry Robert Edwards, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Barry Robert Edwards, L.P.N., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated March 6, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Edwards notifying him that a formal administrative hearing would be held on March 23, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the USPS tracking website, notice was left at Mr. Edwards’ address of record regarding his certified mail package on March 7, 2017. The Notice sent by first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Mr. Edwards and the formal hearing proceeded in his absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. Barry Robert Edwards, L.P.N., was issued License Number 0002-039939 to practice practical nursing on May 25, 1988. Said license is scheduled to expire on August 31, 2018. At all times relevant to the findings contained herein, said license was current and active. His primary state of residence is Virginia.
2. While providing private-duty care in his home in Hampton, Virginia, to an individual who suffered from dementia and seizure disorder, among other things, Mr. Edwards failed to ensure that the individual received proper supervision, care, and medical treatment as evidenced by the fact that on September 17, 2014, a healthcare provider visited the individual at Mr. Edwards' home and discovered that the individual had suffered numerous injuries including multiple lacerations, contusions, a fractured toe, and an altered mental state.
3. The healthcare provider who discovered the individual on September 17, 2014 testified that she observed blood stains on the walls and floor of the individual's room. When she saw the individual, he had a swollen eye and his torso was covered in bruises and cigarette burns. The individual appeared to be afraid of Mr. Edwards, and when the healthcare provider asked what had happened to him, the individual said that Mr. Edwards had hurt him. The healthcare provider immediately transported the individual from Mr. Edwards' home to the hospital, where he was observed to be covered in bruises and cigarette burns and having suffered an open fracture of the big toe on his left foot. The toe had to be amputated a week later.
4. As a result of the incident, Mr. Edwards pled guilty to one count of misdemeanor abuse of an incapacitated adult in the Circuit Court for the City of Hampton, Virginia on February 29, 2016.
5. Evidence revealed that Mr. Edwards received \$900 per month for his care of the individual.

CONCLUSION OF LAW

Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(f) effective February 24, 2017).

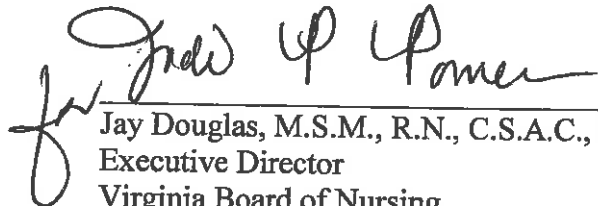
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Barry Robert Edwards, L.P.N., is assessed a MONETARY PENALTY of \$5000.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 90 days from the date of entry of this Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection.
2. The license of Barry Robert Edwards, L.P.N., to practice practical nursing in the Commonwealth of Virginia is REVOKED.
3. The license of Barry Robert Edwards, L.P.N., will be recorded as REVOKED.
4. This revocation applies to any multistate privilege to practice practical nursing.
5. Pursuant to Virginia Code § 54.1-2408.2, should Mr. Edwards seek reinstatement of his license after three years, the reinstatement of Mr. Edwards' license shall require the affirmative vote of three-fourths of the members at a formal administrative proceeding convened by the Board. At such time, the burden shall be on Mr. Edwards to demonstrate that he is safe and competent to return to the practice of practical nursing. Mr. Edwards shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

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:

April 6, 2017

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 
Virginia Board Of Nursing