

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **Paul Ngek, L.P.N.**
 License Number: 0002-091305
 Expiration Date: July 31, 2017
 Case Number: 162748

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

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 as a practical nurse in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board of Nursing.
DATE AND TIME:	June 23, 2016 at 9:00 a.m.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd 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 practical 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.

DEFAULT:

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.

COMMONWEALTH'S EXHIBIT:

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:

1. Deadline for filing exhibits: June 16, 2016. 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.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Sylvia Tamayo-Suijk at the above address: June 16, 2016. NOTE: the failure to object to exhibits does not deprive you of the right to contest their contents at the proceeding.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that:

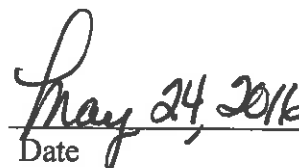
1. At all times relevant hereto, Paul Ngek, L.P.N. was licensed to practice as a practical nurse in the Commonwealth of Virginia.
2. Mr. Ngek may have violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing in that during the course of his employment at Brookdale Assisted Living, Fredericksburg, Virginia, Mr. Ngek failed to provide timely emergency care to Resident A, who did not have a Do Not Resuscitate Order (“DNR”) and who had been found lying on the floor of her bedroom. Specifically:
 - a. On April 2, 2015 at approximately 5:20 a.m., Mr. Ngek was called by a certified nurse aide to assist with Resident A, who was located on the second floor. Mr. Ngek arrived to find Resident A face-down and unresponsive on the floor of her residence. After rolling Resident A onto her back, Mr. Ngek left the room and went to the first floor to check on Resident A’s code status and call 911. Spotsylvania County dispatch recorded that it received Mr. Ngek’s 911 call at 5:25 a.m.
 - b. A Deputy Sheriff arrived seven minutes after the 911 call was initiated by Mr. Ngek. The deputy reported that he found Mr. Ngek and another staff member present in the room when he entered. The deputy stated he observed Resident A lying on the floor. Upon examination, he noted that her skin was warm to the touch and she was without pulse or breathing.
 - c. The deputy initiated CPR and turned over care to the EMS upon their arrival. Resident A was pronounced dead at 5:50 a.m. Mr. Ngek is CPR certified. At no time did Mr. Ngek or any of the other staff members initiate CPR.
 - d. In an interview with an investigator for the Department of Health Professions, Mr. Ngek stated that he assumed that because Resident A was 102 years old, she would have a DNR

order in place. According to Mr. Ngek, residents who were DNR would have a copy of the DNR form taped to the inside of their door. Mr. Ngek acknowledged that there was no DNR form taped to Resident A's door.

See Confidential Attachment I for the name of the resident referenced above.



Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing



Date