

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: DAVID RIVERA, R.N.
 License No.: 0001-235664**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on April 7, 2016 in Henrico County, Virginia, to inquire into evidence that David Rivera, R.N. may have violated certain laws and regulations governing nursing practice in Virginia. Mr. Rivera was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. David Rivera, R.N. was issued License No. 0001-235664 to practice professional nursing in the Commonwealth of Virginia on February 3, 2012. Said license is scheduled to expire on January 31, 2018. His primary state of residence is Virginia.
2. By letter dated March 9, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Rivera notifying him that an informal conference would be held on April 7, 2016. The Notice was sent by certified and first class mail to 400 Naval Base Road, Norfolk, Virginia 23505, the address of record on file with the Board of Nursing. An Amended Notice was sent via overnight mail on March 28, 2016, to the address of record.
3. On an application for employment with Maxim Healthcare, dated September 18, 2014, Mr. Rivera provided false information, as follows:

a. He stated that he had never been discharged from any employment position when, in fact, his employment with Sentara Leigh Hospital and DePaul Medical Center had been terminated.

b. He stated that he was still employed with Sentara Leigh and that his reason for leaving was “not area of interest,” when, in fact, his employment had been terminated on September 11, 2014, for failure to meet performance expectations.

c. He stated that his reason for leaving DePaul Medical Center was “change of scene,” when, in fact, his employment had been terminated.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing..

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. David Rivera, R.N. is hereby REPRIMANDED.
2. Mr. Rivera shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Rivera may, not later than 5:00 p.m., on May 23, 2016, notify Jay P. 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.

FOR THE COMMITTEE:

for *Gloria Mitchell-Lively*
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: *April 20, 2016*

This Order shall become final on May 23, 2016; unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By *D. Fowler*
Virginia Board of Nursing