

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CHARLES A. CURTIS-THOMAS, R.N. REINSTATEMENT APPLICANT

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 25, 2010, in Henrico County, Virginia, to receive and act upon the application of Charles A. Curtis-Thomas for reinstatement of his license to practice professional nursing in Virginia, which was mandatorily suspended by the Department of Health Professions, and to inquire into evidence that Mr. Curtis-Thomas may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Mr. Curtis-Thomas was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Charles A. Curtis-Thomas was issued License No. 0001-125735 to practice professional nursing in the Commonwealth of Virginia on October 30, 1991. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on May 18, 2007.
2. Mr. Curtis-Thomas submitted an application for reinstatement of his license to the Board on November 24, 2009.
3. On March 9, 2004, the Board of Nursing for the State of New Jersey entered a Final Order of Discipline revoking Mr. Curtis-Thomas' license to practice nursing in New Jersey due to discrepancies in the

administration and documentation of narcotics while on assignment at St. Joseph's Hospital and Medical Center through his employer O.S.C. Staffing, and due to substandard nursing care provided while on assignment at Chilton Memorial Hospital through his employer Star Med Staffing. This revocation formed the basis for the mandatory suspension of Mr. Curtis-Thomas' license to practice professional nursing in Virginia.

4. On the application for employment with HCR Manor Care (Fair Oaks), Fairfax, Virginia, dated October 13, 2006, Mr. Curtis-Thomas answered "no" to the question "have you ever been sanctioned by a health care licensing agency in this state or any other United States or foreign jurisdiction?" when, in fact, his license had been suspended by the New Jersey Board of Nursing. On June 4, 2007, during an interview with an investigator from the Department of Health Professions, Mr. Curtis-Thomas stated that he became aware of the New Jersey suspension in August, 2004. Mr. Curtis-Thomas testified that he was, however, previously aware of having his employment terminated at the two facilities listed in the New Jersey Order, but was not aware of the reasons for the dismissals.

5. On April 18, 2007, Mr. Curtis-Thomas submitted a pre-employment drug screen with Recruitment Specialists, Inc., which was positive for cocaine. As a result of the positive drug screen, his employment was terminated. His employer also received evidence that notwithstanding Mr. Curtis-Thomas' positive drug screen results, his hospice nursing assignment employer did not believe hospice was a "good fit" for his practice skills.

6. In August, 2004, Mr. Curtis-Thomas applied for a professional nursing license in the State of Ohio. He failed to disclose the New Jersey disciplinary action and his application was permanently denied.

7. Mr. Curtis-Thomas testified that he has not practiced nursing since 2007 and provided no evidence of having completed any continuing education courses up to the present time. He further testified that he has been assisting practical nursing students to prepare for the NCLEX examination.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(5) and (6) of the Code.
4. Mr. Curtis-Thomas has not demonstrated satisfactory evidence that he is prepared to resume practice in a safe and competent manner.

ORDER


WHEREFORE, the Virginia Board of Nursing, hereby ORDERS that the application of Charles A. Curtis-Thomas for reinstatement of License No. 0001-125735 to practice professional nursing in the Commonwealth of Virginia be and hereby is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Charles A. Curtis-Thomas be CONTINUED on INDEFINITE SUSPENSION for a period of not less than two years.

The license of Charles A. Curtis-Thomas will be recorded as SUSPENDED. Should Mr. Curtis-Thomas seek reinstatement of his license consistent with this Order, he shall be responsible for any fees that may be required for the reinstatement of his license prior to issuance of his license to resume practice.

At such time as Mr. Curtis-Thomas shall petition the Board for reinstatement of his license, a hearing will be convened to determine whether he is able to return to the safe and competent practice of professional nursing.

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.

FOR THE BOARD


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

Feb. 9, 2010
ENTERED

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 P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, 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.