

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MICHAEL E. WADE, L.P.N.
License No.: 0002-036132

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 February 17, 2016, in Henrico County, Virginia, to inquire into evidence that Mr. Wade may have violated certain laws and regulations governing practical nursing practice in Virginia. Mr. Wade 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. Michael E. Wade, L.P.N. was issued License No. 0002-036132 to practice practical nursing in the Commonwealth of Virginia on May 31, 1985. Said license expires on August 31, 2017. Mr. Wade's primary state of residence is Virginia.
2. By letter dated January 21, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Wade notifying him that an informal conference would be held on February 17, 2016. The Notice was sent by certified and first class mail to 134 Lawhorne Ridge Lane, Amherst, Virginia 24521, the address of record on file with the Board of Nursing.
3. During the course of his employment with Envoy of Staunton, Staunton, Virginia, on May 10, 2015, Mr. Wade pulled a resident, who suffered from dementia, back into his chair as he tried to get up, and Mr. Wade balled his fist up and shook it at the resident, and said "you can hit me, or I can hit you, but that is not going to do either of us any good. If I hit you, I lose my job and it's my job to keep you safe."

4. As a result of this incident, Mr. Wade's employment with Envoy of Staunton was terminated on May 12, 2015.

5. At the informal conference, Mr. Wade admitted that what he did was not consistent with his training on how to handle cognitively impaired combative adults. Mr. Wade said that he balled up and shook his fist to get the resident's attention.

6. On his application for employment with Avante Centers, Waynesboro, Virginia ("Avante") dated March 19, 2013; Mr. Wade wrote that his reason for leaving employment with Westminster Canterbury, Lynchburg, Virginia, was "reduce hrs." In fact, Mr. Wade's employment with Westminster Canterbury was terminated in May 2010 for sleeping on the job.

7. On his application for employment with the Carrington, Lynchburg, Virginia, dated July 9, 2015:

a. Mr. Wade wrote that his reason for leaving employment with Lovington Health and Rehabilitation, Lovington, Virginia ("LHR"), was "wife sick." In fact, Mr. Wade's employment with LHR was terminated in April 2014 for improper handling of a patient fall incident.

b. Mr. Wade wrote that his reason for leaving employment with Avante was "to be closer." In fact, Mr. Wade's employment with Avante was terminated on March 18, 2014 for sexual harassment.

8. On his application for employment with Our Lady of Peace, Charlottesville, Virginia, dated June 22, 2015:

a. Mr. Wade wrote that his reason for leaving employment with LHR was "wife sick." In fact, Mr. Wade's employment with LHR was terminated in April 2014 for improper handling of a patient fall incident.

b. Mr. Wade wrote that his reason for leaving employment with Avante was "work closer home." In fact, Mr. Wade's employment with Avante was terminated on March 18, 2014 for sexual harassment.

9. At the informal conference, Mr. Wade stated that he had not disclosed his previous employment terminations on his employment applications, because otherwise he would not have gotten the positions.

10. Mr. Wade stated that he was currently working at the Carrington, Lynchburg, Virginia and that his employer was not aware of this matter before the Board.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Findings of Fact Nos. 6 through 8(b) constitute a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

ORDER

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

1. Michael E. Wade, L.P.N. is hereby REPRIMANDED.

2. Mr. Wade shall provide the Board with verification that he has completed the following NCSBN online courses within 90 days of the date this Order is entered: *Disciplinary Actions: What Every Nurse Should Know*; *Professional Accountability & Legal Liability for Nurses*; and *Righting a Wrong: Ethics and Professionalism in Nursing*. These courses shall not be credited toward the continued competency requirements for the next renewal of his license.

3. Mr. Wade shall maintain a course of conduct in his capacity as a licensed practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

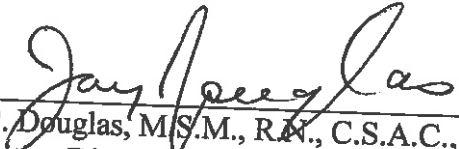
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of practical nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or

revocation of the license of Mr. Wade and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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. Wade may, not later than 5:00 p.m., on March 29, 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:



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

ENTERED: February 25TH, 2016

This Order shall become final on March 29, 2016; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By D. Sawyer
Virginia Board of Nursing