

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: DEREK ROBINSON, C.N.A.**  
**Certificate No.: 1401-014859**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on January 13, 2015, in Henrico County, Virginia. Derek Robinson, C.N.A., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 25, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Robinson was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Derek Robinson, C.N.A., was issued Certificate No. 1401-014859 to practice as a nurse aide in Virginia on March 13, 1990. The certificate is scheduled to expire on March 31, 2015.
2. By letter dated December 10, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Robinson notifying him that an informal conference would be held on January 13, 2015. The Notice was sent by certified and first class mail to 615 Hamilton Drive, Apartment 2-A, Newport News, Virginia, 23602, the address of record on file with the Board of Nursing.
3. During the course of his employment with Eastern State Hospital, on September 25, 2013, Mr. Robinson submitted to a random drug test, which was positive for cocaine. He was temporarily

suspended from his position and reinstated pursuant to a Return to Work Agreement. Mr. Robinson appeared before the Board of Nursing in connection with this incident, and the matter was dismissed.

4. On June 3, 2014, Mr. Robinson tested positive for cocaine on a drug test administered pursuant to the Return to Work Agreement at Eastern State Hospital.

5. Mr. Robinson, who was hired at Eastern State in 2011, was terminated on June 6, 2014 following the second positive cocaine test.

6. Mr. Robinson stated that he went to outpatient rehab at Chisholm Rehabilitation Center twice a week for three months following his termination from Eastern State Hospital.

7. Mr. Robinson is currently employed with Home Helper, providing home health care and hospice care. He has been employed there since October 2014 and helps provide care for disabled veterans.

8. Mr. Robinson stated at the informal conference that he last used drugs approximately five to six months ago, but he could not provide a sobriety date. He sees a counselor every two weeks and attends Narcotics Anonymous meetings two to three times per week. He continues to drink alcohol socially two to three times per month.

9. Mr. Robinson expressed remorse for his decision to use drugs. He stated that he previously worked at jobs that paid more money but he was not happy and has found fulfillment as a health-care worker.

#### **CONCLUSIONS OF LAW**

Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED that Derek Robinson, C.N.A., shall be placed on PROBATION for two years of actual nurse aide practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Mr. Robinson has completed two years of active practice as a nurse aide. The certificate of Mr. Robinson shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding unless there is a pending investigation or unresolved allegation involving a violation of law, regulation, or any term or condition of probation. In that event, the period shall be continued indefinitely or until such time as he can demonstrate that he is capable of resuming the safe and competent practice of a nurse aide as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-40000 et seq. and § 54.1-2400(9) of the Code.

2. Mr. Robinson shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom he has a bone fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should he be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within 10 days of the date the medication is prescribed.

3. Mr. Robinson shall be required to have one supervised unannounced random drug screen a month from a Board-approved testing entity, which includes testing for cocaine and alcohol. The Board shall be notified immediately in writing if Mr. Robinson refuses to give a specimen for analysis as required by this Order or of any positive results. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

4. Mr. Robinson shall attend Narcotics Anonymous two times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board within 10 days of each meeting.

5. Performance evaluations shall be provided to the Board, at the direction of Mr. Robinson, by all practice employer(s), using the forms provided by Compliance and available on the

Board's website.

6. Mr. Robinson shall return all copies of his certificate to practice as a nurse aide to the Board office within 10 days of the date of entry of this Order, along with a payment of a duplicate certificate fee as specified in the regulations governing nursing. Upon receipt, the Board shall issue a replacement certificate marked "Probation with Terms."

7. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends. Many of the required report forms are available on the Board's website for your convenience.

8. Mr. Robinson shall inform the Board in writing within 10 days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Mr. Robinson shall provide a contact name, address, and phone number for each practice employer to the Board.

9. Mr. Robinsons shall inform all current and future practice employers that the Board placed him on probation and Mr. Robinson shall provide each practice employer with a complete copy of this Order. If Mr. Robinson is employed through a staffing agency, he shall inform his supervisor in each facility that he is on probation.

10. Mr. Robinson shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an *Authorization for Disclosure of Information* form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any/or consultants designated by the Board, if applicable.

11. Mr. Robinson shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include

any changes in practice employment status. Self-Reports shall be submitted whether Mr. Robinson has current practice employment or not.

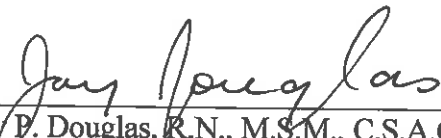
12. Mr. Robinson shall conduct himself as a nurse aide in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

13. Any violation of the terms and conditions of this Order or failure to comply with all terms of this Order within five years of the date of entry of the Order shall be reason for suspending or revoking the certificate of Mr. Robinson and an administrative proceeding may be held to determine whether his certificate shall be suspended or revoked.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Robinson may, not later than 5:00 p.m., on **May 6, 2015**, notify Jay P. Douglas, R.N., M.S.M., 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 BOARD:

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

ENTERED: april 6<sup>th</sup> 2015

This Order shall become final on May 6, 2015 unless a request for a formal administrative hearing is received as described above.

Certified True Copy  
By   
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Virginia Board Of Nursing