

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: JAMES P. FARRAR, JR., C.N.A., R.M.A.**  
**Certificate No.: 1401-154740**  
**Registration No.: 0031-006325**

**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 April 17, 2013, in Henrico County, Virginia. James P. Farrar, Jr., C.N.A., R.M.A., was present and was not represented by legal counsel. Judith E. Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Farrar 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. James P. Farrar, Jr., C.N.A., R.M.A., was issued Certificate No. 1401-154740 to practice as a nurse aide in Virginia on August 1, 2012. The certificate is scheduled to expire on August 31, 2014. Mr. Farrar was issued Registration No. 0031-006325 to practice as a medication aide in Virginia on November 14, 2012. The registration is scheduled to expire on June 30, 2014.

2. By letter dated March 5, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Farrar notifying him that an informal conference would be held on April 17, 2013. The Notice was sent by certified and first class mail to 9271 Little Skyline Drive, Orange, Virginia 22960, the address of record on file with the Board of Nursing.

3. During the course of his employment with Dogwood Village, Orange, Virginia, on October 29, 2012, after Mr. Farrar performed a narcotics count, ten Vicodin tablets (hydrocodone, Schedule III) were missing and were replaced with plain Tylenol tablets. Mr. Farrar's employment at Dogwood Village was terminated.

4. Mr. Farrar denied taking the Vicodin for his personal use. He stated that this was his first job as a medication aide and he was left alone in the medication room. He accidentally spilled the Vicodin on the floor and knew that the count would be off. He then panicked and replaced the tablets with plain Tylenol and then documented the count was correct.

5. Criminal charges were filed against Mr. Farrar due to the above incident. Mr. Farrar stated that upon the advice of his attorney, he has entered a plea agreement pleading guilty to possession of a controlled substance, which if accepted by the court, will place him on first offender status with terms and conditions. He is scheduled to return to Orange County Circuit Court on May 9, 2013.

6. In December 2012, during an interview with an investigator from the Department of Health Professions, Mr. Farrar denied having a need for narcotics; however, between January 2012 and January 2013, he filled 31 prescriptions for hydrocodone.

7. Mr. Farrar reported that he was prescribed hydrocodone by his primary care physician for sciatic pain; however, he is no longer taking it and is in extreme pain. Mr. Farrar reported that he has scheduled an appointment with a psychiatrist and on April 12, 2013, he entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"). He is currently unemployed.

8. Mr. Farrar falsified the application for employment with Autumn Care of Madison dated November 29, 2012, in that he failed to disclose his employment at Dogwood Village and subsequent termination. Mr. Farrar's employment at Autumn Care was subsequently terminated.

#### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (5) of the Code of Virginia (1950), as amended ("Code"), 18 VAC 90-60-120(2)(d) of the Regulations Governing the Registration of Medication Aides and 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(k) of the Regulations Governing Certified Nurse Aides.

3. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-60-120(2)(e) of the Regulations Governing the Registration of Medication Aides and 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides.

### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. James P. Farrar, Jr., C.N.A., R.M.A., is hereby REPRIMANDED.
2. Certificate No. 1401-154740 and Registration No. 0031-006325 of James P. Farrar, Jr., C.N.A., R.M.A., is INDEFINITELY SUSPENDED.
3. The certificate and registration will be recorded as suspended and no longer current.
4. At such time as Mr. Farrar shall petition the Board for reinstatement of his certificate and/or registration, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice as a nurse aide and/or as a medication aide. Mr. Farrar shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate and/or registration prior to issuance of the certificate and/or registration to resume practice.
5. Said suspension is STAYED contingent upon the following terms and conditions:
  - a. Mr. Farrar shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the certificate and/or registration of James P. Farrar, Jr., C.N.A., R.M.A., and an administrative proceeding shall be held to determine whether his certificate and/or registration shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

- i. Mr. Farrar is not in compliance with the terms and conditions specified by the HPMP;
- ii. Mr. Farrar's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Mr. Farrar involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Mr. Farrar's participation and successful completion of the HPMP, the Board, at its discretion, may waive Mr. Farrar's appearance before a Committee and conduct an administrative review of this matter, at which time he may be issued an unrestricted certificate and/or registration.

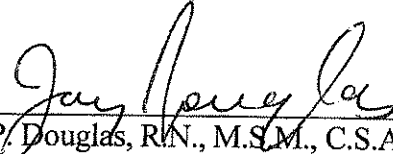
7. Mr. Farrar shall maintain a course of conduct in his capacity as a nurse aide and/or medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code, Regulations Governing Certified Nurse Aides and the Regulations Governing the Registration of Medication Aides.

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. Farrar may, not later than 5:00 p.m., on **July 5, 2013**, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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:

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

ENTERED: May 31<sup>ST</sup> 2013

This Order shall become final on July 5, 2013; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board Of Nursing