

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       ERIC MCGLONE, C.N.A.**  
**Certificate No.: 1401-154468**

**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 July 1, 2015 in Henrico County, Virginia. Mr. McGlone 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 September 16, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. McGlone 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. Eric McGlone, C.N.A., was issued Certificate No. 1401-154468 to practice as a certified nurse aide in Virginia on July 23, 2012. Said certificate is set to expire on July 31, 2016.
2. By letter dated May 29, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. McGlone notifying him that an informal conference would be held on July 1, 2015. The Notice was sent by certified and first class mail to 1212 Hatton Street, Norfolk, Virginia, 23523, the address of record on file with the Board of Nursing.
3. During the course of his employment with Autumn Care of Chesapeake Nursing & Rehab, Chesapeake, Virginia ("Autumn Care of Chesapeake"), on June 10, 2014, Mr. McGlone hit a resident on

the side of her head and was verbally abusive to the resident. Mr. McGlone made faces at the resident, waved his hands at her, stuck his tongue out at her and said “look at her crying, she can’t even get her words out,” or words to that effect.

4. Co-workers reported that they overheard the statements that Mr. McGlone made to the resident and observed him waving his hands at her, making faces at her and sticking his tongue out. Following the incident, the resident was visibly upset and did not calm down until she observed Mr. McGlone leave the facility.

5. At the informal conference, Mr. McGlone stated that staff at the facility did not like him and that their statements were not accurate. Mr. McGlone also stated that the report made by the resident was not true.

6. Mr. McGlone’s employment with Autumn Care of Chesapeake was terminated on June 16, 2014.

7. On July 18, 2014, during an interview with a Virginia Department of Health Professions’ investigator, Mr. McGlone denied that he had ever been terminated from employment with any facility other than Autumn Care of Chesapeake. However, Mr. McGlone’s employment with Majestic Oaks, located in Pennsylvania, was terminated in October 2009 and his employment with Leigh Hall Assisted Living, Norfolk, Virginia, was terminated on April 21, 2009, for being a no call/no show. At the informal conference, Mr. McGlone stated that his offer for employment with Majestic Oaks was rescinded and he admitted that he provided false information regarding Leigh Hall Assisted Living.

8. On Mr. McGlone’s application for employment with Autumn Care of Chesapeake, dated February 24, 2014, Mr. McGlone indicated that the reason he left employment with Kindred Care, Virginia Beach, Virginia, was because of the distance to work; however, on his application for employment with Leigh Hall Assisted Living, dated December 27, 2013, he indicated he left because of

an issue with his background check. At the informal conference, Mr. McGlone stated that the real reason he left Leigh Hall Assisted Living was because of an issue with his background check. Mr. McGlone stated that at the time he had an outstanding warrant for his arrest out of Pennsylvania.

9. Mr. McGlone is currently employed at Signature Care Nursing Home, Norfolk, Virginia. At the informal conference, Mr. McGlone stated that Signature Care Nursing Home was not aware of the allegations before the Board of Nursing. He further admitted that he did not list Autumn Care on his application for employment with Signature Care and that he did not inform them about his previous employment terminations. Mr. McGlone also admitted that he purposefully misrepresented information to the investigator regarding previous criminal charges, previous employment locations and previous employment terminations. At the informal conference, Mr. McGlone questioned whether the discrepancies concerning his employment and his terminations were “really that big of a deal.”

#### 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 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides (“Regulations”).
2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a finding of abuse pursuant to 42 CFR §483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.
3. Finding of Fact No. 7 constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(k) of the Regulations.
4. Finding of Fact No. 8 constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-154468 of Eric McGlone, C.N.A., is REVOKED.

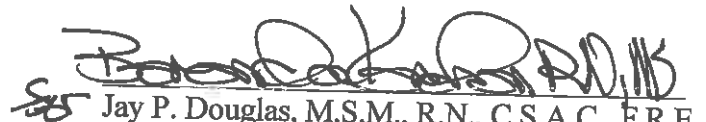
2. The certificate will be recorded as revoked and no longer current.

3. A Finding of Abuse shall be ENTERED against Mr. McGlone in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Mr. McGlone's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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. McGlone may, not later than 5:00 p.m., on **October 27, 2015**, 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 BOARD:

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

ENTERED: Sept 24, 2015

This Order shall become final on October 27, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board Of Nursing