

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       BARRY R. RICK, R.N. REINSTATEMENT APPLICANT**  
**License No.: 0001-202828**

**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 July 13, 2015, in Henrico County, Virginia, to receive and act upon the application of Barry R. Rick for reinstatement of his license to practice professional nursing in Virginia, which was mandatorily suspended on August 31, 2010, and to inquire into evidence that Mr. Rick may have violated certain laws governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. Rick 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. Barry R. Rick was issued License No. 0001-202828 to practice professional nursing in the Commonwealth of Virginia on July 28, 2006. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on August 31, 2010. Mr. Rick also holds License No. R098853-3 to practice professional nursing in the State of Minnesota, which expires on October 31, 2015. His primary state of residence is Minnesota.
2. Mr. Rick submitted an application for reinstatement of his license to the Board on February 18, 2015.

3. Pursuant to an Order entered on August 9, 2010, by the Minnesota Board of Nursing, Mr. Rick's license to practice professional nursing was suspended upon receipt of notice from the Minnesota Commissioner of Revenue that Mr. Rick owed \$500.00 or more in delinquent taxes. Said action formed the basis of the mandatory suspension of his license to practice in Virginia.

4. Mr. Rick testified that his Minnesota license was reinstated in September 2013, and he is making installment payments on the delinquent taxes.

5. Mr. Rick reported that he has been providing care to a family member for the past four years and that he has not practiced nursing since December 2010.

6. Mr. Rick explained that the failure to pay taxes was, in part, due to a business relationship with his ex-wife. He also explained that he did not work in Minnesota during the years he did not pay taxes so he did not understand that he had to pay taxes for those years.

7. Mr. Rick submitted continuing education credits from 2013, which satisfied the requirements for his professional nursing license in Minnesota.

### 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. Mr. Rick has demonstrated satisfactory evidence that he is prepared to resume practice in a safe and competent manner.

### ORDER

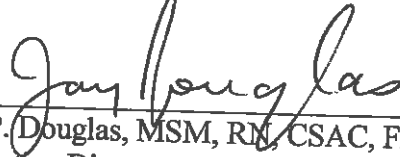
WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0001-202828, issued to Barry R. Rick to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED contingent upon verification that he has completed the following NCSBN online courses within 60 days of the date this Order is entered: Nurse Practice Act and Professional Accountability and

Legal Liability for Nurses. These courses shall not be credited toward the continued competency requirements for the next renewal of his license.

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

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



Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

ENTERED July 22<sup>nd</sup>, 2015

**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, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, 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.

Certified True Copy

By drabam  
Virginia Board Of Nursing