

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: CRAIG WALKER, C.N.A.
Certificate No.: 1401-123394**

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 14, 2015, in Henrico County, Virginia. Mr. Walker was not present nor was he represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Walker was not present nor was he represented by legal counsel. Mr. Walker submitted written comments/objections.

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. Craig Walker, C.N.A., was issued Certificate No. 1401-123394 to practice as a certified nurse aide in Virginia on March 24, 2008. Said certificate is set to expire on March 31, 2016.
2. By letter dated March 10, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Walker notifying him that an informal conference would be held on April 14, 2015. The Notice was sent by certified and first class mail to 2202 Sherman Drive N.W., Roanoke, Virginia 24017, the address of record on file with the Board of Nursing. The Notice was also sent to 2214 N.W. Montauk Road, Apt. 4, Roanoke, Virginia 24017, a secondary address. The certified mail receipt for the Notice sent to 2202 Sherman Drive N.W., Roanoke, Virginia 24017 was signed and returned to the Board office. The certified mail receipt for the Notice sent to 2214 N.W. Montauk Road, Apt. 4, Roanoke, Virginia was also signed and returned to the Board office. The Notices sent by first class mail were not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Walker, and the informal conference proceeded in his absence.

3. During the course of his employment with Avante at Roanoke, Roanoke, Virginia, on May 28, 2014, Mr. Walker had a verbal altercation with a resident and struck the resident in the face.

4. The resident reported the incident. Although the resident has Down syndrome, he is alert and oriented. Twenty minutes after the incident, the resident was noted to have swelling and bruising of his left eye.

5. Mr. Walker denied striking the resident and said the resident had struck himself.

6. Mr. Walker's employment with Avante at Roanoke was terminated on June 2, 2014.

7. On his application for employment with Avante at Roanoke, dated January 20, 2014, Mr. Walker falsely indicated that his reason for leaving Virginia Veterans Care, Roanoke, Virginia, was because of a conflict with staff. Additionally, when asked if he had ever been fired or asked to resign by an employer, Mr. Walker falsely answered "no." However, Mr. Walker's employment with Virginia Veterans Care had been terminated on December 17, 2013, due to resident safety concerns.

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.7 constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

3. 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.

ORDER

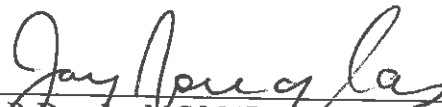
WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-123394 of Craig Walker, 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. Walker 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. Walker'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.

Since Mr. Walker failed to appear at the informal conference, this Order shall be considered final. Mr. Walker has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Walker has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

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: July 20th, 2015

Certified True Copy

By 

Virginia Board Of Nursing