

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: WAYNE L. COOKE, L.P.N.
License No.: 0002-077171

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 May 18, 2015, in Henrico County, Virginia, to inquire into evidence that Wayne L. Cooke, L.P.N. may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Amy E. Weiss, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. Cooke 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. Wayne L. Cooke, L.P.N. was issued License No. 0002-077171 to practice practical nursing in the Commonwealth of Virginia on November 20, 2007. Said license is scheduled to expire on November 30, 2015. Mr. Cooke's primary state of residence is Virginia.
2. In the course of his employment with Maxim Healthcare Services, Virginia Beach, Virginia, on January 3, 2014, Mr. Cooke fell asleep during his shift when he was providing in-home care for a minor patient.
3. As a result of this incident, Mr. Cooke's employment with Maxim Healthcare Services was terminated on February 19, 2014.
4. During the course of Mr. Cooke's employment with Heritage Hall, Virginia Beach, Virginia,
 - a. On July 1, 2014, Mr. Cooke pulled P.R.N. narcotic medications on two occasions for

Resident A, who had been discharged prior to Mr. Cooke's shift.

b. On June 27, 2014, multiple coworkers observed Mr. Cooke struggling to remain awake during his shift, failing to respond to resident call lights, and acting rudely toward coworkers and residents.

5. As a result of these incidents, Mr. Cooke's employment with Heritage Hall was terminated on July 3, 2014.

6. Mr. Cooke testified that he may have administered the hydrocodone he pulled on July 1, 2014, to the wrong patient. At the hearing he admitted he did not properly identify the patient to whom he administered that medication.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(a)(2)(f) of the Regulations Governing the Practice of Nursing ("Regulations").
2. Finding of Fact No. 4(a) constitutes a violation of § 54.1-3007(5) of the Code.
3. Finding of Fact No. 4(b) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Wayne L. Cooke, L.P.N. is hereby placed on INDEFINITE PROBATION for not less than two years of actual nursing employment subject to the following terms and conditions:
 - a. Mr. Cooke shall practice only in a structured, supervised employment setting satisfactory to the Board for the first two years of probation. This employment setting shall provide on-site supervision by a physician, licensed nurse practitioner, professional nurse, or licensed practical nurse who works the same shift,

works the same level of the building, and holds an unrestricted license. For all current practice employment, and before beginning or changing practice employment during this period, Mr. Cooke shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

b. Mr. Cooke shall provide evidence within 90 days of entry of the Order that he has completed the following National Council of State Boards of Nursing (“NCSBN”) online courses: *Documentation: A Critical Aspect of Client Care; Ethics of Nursing Practice; Medication Errors: Detection & Prevention; and Professional Accountability & Legal Liability for Nurses.*

c. Mr. Cooke shall return all copies of his license to practice as a licensed practical nurse to the Board office within ten days of the date of entry of this Order, along with payment of a duplicate license fee as specified in the Regulations Governing Nursing. Upon receipt, the Board shall issue a replacement licensed practical nurse license marked “Valid in Virginia Only; Probation with Terms.”

d. 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.

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

f. Mr. Cooke shall inform all current and future practice employers that the Board has placed him on probation, and Mr. Cooke shall provide each practice employer with a complete copy of this Order.

g. Mr. Cooke 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/ or any consultants designated by the Board, if applicable.

h. Mr. Cooke 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 must be submitted whether Mr. Cooke has current practice employment or not.

i. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of this Order, shall be reason for suspending or revoking the license of Mr. Cooke, and an administrative proceeding may be held to determine whether his license shall be suspended or revoked.

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

3. This Order shall be applicable to Mr. Cooke's multistate licensure privileges, if any, to practice practical nursing. It is further ordered that for the duration of this Order, Mr. Cooke may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where he wishes to work.

4. Wayne L. Cooke, L.P.N. is hereby REPRIMANDED

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

JPD
Gloria Mitchell-Lively
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

June 24th, 2015
ENTERED

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 *dpaham*
Virginia Board Of Nursing