

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JULIAN HENDRICK, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-058844
Suspended: July 20, 2006

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Nursing ("Board") met on April 1, 2015 in Henrico County, Virginia, to receive and act upon Julian Hendrick's application for reinstatement of his certificate to practice as a certified nurse aide in Virginia and inquire into allegations that grounds may exist to deny said application. Mr. Hendrick was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Julian Hendrick, was issued Certificate No. 1401-058844 to practice as a certified nurse aide in the Commonwealth of Virginia on June 11, 1996. Said certificate was suspended by an Order of the Board entered on July 20, 2006 ("Board Order").
2. By letter dated March 3, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Hendrick notifying him that an informal conference would be held on April 1, 2015. The Notice was sent by certified and first class mail to 14 Beatrice Drive, Hampton, Virginia, 23666, the address of record on file with the Board of Nursing.
3. Mr. Hendrick submitted an application for reinstatement of his certificate to practice as a nurse aide which was received by the Board on October 2, 2014.

4. On March 13, 2013, Mr. Hendrick was convicted of one count of drunk in public in the Hampton General District Court, Hampton, Virginia. Mr. Hendrick was ordered to pay a \$15.00 fine.

5. On June 6, 2006, Mr. Hendrick was convicted of one count of driving under the influence of alcohol in the Hampton General District Court. According to court documents, Mr. Hendrick's blood alcohol level was .23 mg/dl at the time of his arrest.

6. By his own admission, Mr. Hendrick previously received treatment at the Veterans Affairs Medical Center, Hampton, Virginia, for an addiction to cocaine and alcohol dependency as well as mental illness; however, he has not received any substance abuse counseling and/or treatment since 2006. Additionally, Mr. Hendricks is currently under the care of a psychiatrist for treatment of bipolar disorder. At the informal conference, Mr. Hendrick indicated that he sees his psychiatrist every three months but does not currently attend NA or AA.

7. On Mr. Hendrick's application for reinstatement received by the Board on October 2, 2014, Mr. Hendrick provided the following false information:

a. Mr. Hendrick falsely indicated that his reinstatement request was due to a lapse in his certificate; however, Mr. Hendrick's right to renew his certificate was indefinitely suspended by Board Order entered July 20, 2006. At the informal conference, Mr. Hendrick indicated that he did not remember why his certificate had lapsed. As evidenced by Board Order entered July 20, 2006, Mr. Hendrick voluntarily surrendered his certificate to practice as a nurse aide. Mr. Hendrick further indicated that he did not remember signing the Consent Order.

b. Mr. Hendrick falsely answered "no" to the question pertaining to prior criminal convictions. Mr. Hendrick was convicted of one count of driving under the influence in 2006 and one count of drunk in public in 2013. At the informal conference, Mr. Hendrick indicated that since the DUI conviction was in 2006 he did not think he had to disclose the conviction.

c. Ms. Hendrick falsely answered “no” to the question asking whether action had ever been taken against his certificate in a health related field. As discussed in Finding of Fact No. 1, Mr. Hendrick’s right to renew his certificate was indefinitely suspended in July, 2006.

d. Mr. Hendrick falsely answered “no” to the question asking whether he has a mental, physical or chemical dependency which may interfere with his ability to practice as a certified nurse aide. By his own admission, Mr. Hendrick previously battled an addiction to cocaine and alcohol and is currently receiving treatment for bipolar disorder.

8. Mr. Hendrick indicated that he has not worked as a certified nurse aide since 2005 but he has been employed as a janitor and as a private duty aide in client’s homes for compensation. Mr. Hendrick stated that if his certificate is reinstated he would like to work part-time, every other weekend as a certified nurse aide.

9. Mr. Hendrick stated that his date of sobriety was December 2013, but he did not have a specific date. Mr. Hendrick stated that his main support system is prayer; he does not go to any particular individuals or groups to seek guidance and support.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 4, 5 and 6 constitute a violation of §54.1-3007(6) of the Code.
2. Findings of Fact Nos. 7(a), (b), (c) and (d) constitute a violation of §54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides.
3. The Committee concludes that Mr. Hendrick has demonstrated satisfactory evidence that he is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The certificate of Julian Hendrick to practice as a certified nurse aide in the Commonwealth of

Virginia is hereby REINSTATED contingent upon the following terms and conditions:

- a. Mr. Hendrick shall successfully complete the NNAAP Examination, and
- b. Mr. Hendrick shall enter into the Health Practitioners' Monitoring Program ("HPMP")

pursuant to §54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and shall have proof of entry into a Contract with the HPMP provided to the Board. Thereafter, Mr. Hendrick shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Mr. Hendrick, and an administrative proceeding shall be held to decide whether his certificate should be revoked. Mr. Hendrick shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Mr. Hendrick is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- b. There is a pending investigation or unresolved allegation against Mr. Hendrick involving a violation of law or regulation or any term or condition of this Order; or
- c. Mr. Hendrick has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Hendrick's participation in and compliance with the HPMP, the Board, at its discretion, may waive Mr. Hendrick's appearance before the Board and conduct an administrative review of this matter.

3. Mr. Hendrick shall maintain a course of conduct in his capacity as a certified nurse aide 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.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Hendrick may, not later than 5:00 p.m., on **May 18, 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.

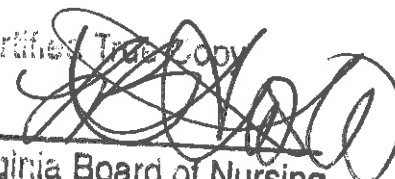
FOR THE COMMITTEE:



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

ENTERED: April 16th, 2015

This Order shall become final on **May 18, 2015**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 

Virginia Board of Nursing