

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JULIAN HENDRICK, C.N.A.

CONSENT ORDER

The Virginia Board of Nursing, and Julian Hendrick, C.N.A., with his consent as evidenced by his signature below, enter into the following Consent Order affecting Mr. Hendrick's certificate to practice as a certified nurse aide in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Julian Hendrick, C.N.A., was issued certificate no. 1401-058844 to practice as a certified nurse aide in the Commonwealth. The certificate expired on June 30, 2006.
2. During the course of Mr. Hendrick's employment with St. Francis Nursing Center, Newport News, Virginia, Mr. Hendrick may have violated § 54.1-3007(6) of the Code, in that:
 - a. On or about March 25, 2005, Mr. Hendrick was asked to submit to a urine drug screen while on duty as the result of an anonymous telephone call. He was sent home after providing the urine, which tested positive for cocaine.
 - b. A coworker noted Mr. Hendrick to be "laughing and giddy" and reported that Mr. Hendrick's "eyes seemed to be wide open and bulging" when he reported for duty on March 25, 2005. Further, it was reported that his gait seemed "very bouncy," which was different than his usual gait while working.
 - c. Mr. Hendrick met with Employee Assistance Program representatives of his employer and was referred to the Health Practitioners Intervention Program ("HPIP").
 - d. On or about May 25, 2005, Mr. Hendrick signed a participation contract with the HPIP. Subsequently on or about July 11, 2005, he signed a Recovery Monitoring Contract. This was done with the understanding and acknowledgement that he has an

“impairment” due to physical or mental disability, including, but not limited to substance abuse, that substantially alters the ability of a practitioner to practice his profession with safety to his patients and the public, as defined in § 54.1-2515 of the Code.

- e. On or about September 25, 2005, Mr. Hendrick’s employment was terminated for excessive absenteeism in August and September, and his employer notified the HPIP.
- f. On or about December 16, 2005, Mr. Hendrick was dismissed from the HPIP for noncompliance.

3. Mr. Hendrick may have violated § 54.1-3007(6), in that he has used drugs to the extent and/or has a mental illness that may render him unsafe to practice. During his interview on or about November 8, 2005, Mr. Hendrick acknowledged the following information to the investigator with the Department of Health Professions:

- a. He admitted he began using alcohol and cocaine to combat back pain beginning in August 2004.
- b. He received intensive outpatient substance abuse treatment through the Department of Veteran Affairs Medical Center, Hampton, Virginia. He was discharged from treatment on or about April 26, 2005, due to his continued use of cocaine and alcohol as evidenced by a positive drug screen. He was readmitted to the treatment program in May 2005. He relapsed again in June 2005, but successfully completed the treatment program on or about July 14, 2005. Mr. Hendrick has also completed a 12-week aftercare program.
- c. Mr. Hendrick has received psychiatric care at the Veterans Administration Medical Center for depression. However, there is additional information related to his mental health as more fully set out in confidential Attachment A.

4. Mr. Hendrick may have violated § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Board of Nursing Regulations, in that:
 - a. On or about September 29, 2004, Mr. Hendrick falsified his application with St. Francis Nursing Center, in that he stated that he left the employ of Eastern State Hospital because he relocated, when, in fact, his employment was terminated for failing to report for duty and he was considered a “no call, no show,” on February 24, 2003. Mr. Hendrick also failed to list his employment with Northampton Convalescent Center, Virginia Beach, from March 26, 2003, through January 12, 2004, which was terminated on that date for failing to report for duty and was considered a “no call, no show”.
 - b. On or about April 28, 2004, Mr. Hendrick falsified his application for employment with Regency Health Care Center in that he indicated he left the employ of Eastern State Hospital because he “relocated”, when, in fact, his employment was terminated as noted above. He also failed to list his employment with Northampton Convalescent Center, Virginia Beach, from March 26, 2003 through January 12, 2004, which was terminated on that date for failing to report for duty and was considered a “no call, no show”.
 - c. On or about March 28, 2003, Mr. Hendrick falsified his application for employment with Northampton Convalescent Center, Virginia Beach, in that he failed to list his employment with Eastern State Hospital, which was terminated on February 24, 2003, as noted above.
5. On or about July 11, 2006, Mr. Hendrick advised staff that he wished to surrender the right to renew his certification as a nurse aide as he was not practicing currently as a nurse aide. He stated that when he is ready to return to practice he understands that he will be have to meet with the Board to prove he is safe and competent to return to practice.

CONSENT

Julian Hendrick, C.N.A., by affixing his signature hereon, agrees to the following:

1. Mr. Hendrick acknowledges that he has been specifically advised to seek advice of counsel prior to signing this document;
2. Mr. Hendrick acknowledges that he is fully aware that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A), et seq., of the Code;
3. Mr. Hendrick acknowledges that he has the following rights among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against him;
4. Mr. Hendrick waives all such right to a formal hearing;
5. Mr. Hendrick neither admits the above Findings of Fact;
6. Mr. Hendrick consents to the entry of the following Order affecting his practice as a nurse aide in the Commonwealth of Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Consent Order, and in lieu of further proceedings, hereby ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of the Right To Renew the Certificate of Julian Hendrick, C.N.A. At such time as Mr. Hendrick shall petition the Board for reinstatement of his certificate, an administrative proceeding will be convened to receive evidence satisfactory to the Board that he is capable of resuming safe and competent practice as a nurse aide.

Upon entry of this Consent Order, the certificate of Julian Hendrick, C.N.A., will be recorded as suspended and no longer current. Consistent with the terms of this Consent Order, in the event that Mr. Hendrick seeks reinstatement of his certificate, he shall be responsible for any fees that may be

required for the reinstatement and renewal of his certificate prior to the issuance of his certificate to resume practice.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Consent 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

Lynne McNally Cooper
Judith E. Piersall, R.N., B.S.N.
Vice - President
Virginia Board of Nursing

ENTERED: 7-20-06

SEEN AND AGREED TO:

Julian Hendrick
Julian Hendrick, C.N.A.

COMMONWEALTH OF VIRGINIA,

COUNTY/CITY OF Hampton, TO WIT:

Subscribed and sworn to before me, Julian Hendrick Notary Public, this 19 day of July, 2006.

My commission expires the 19 day of July, 2006.

Robert M. McPherson AS COMMISSIONER
NOTARY PUBLIC

AKA Robert Rice

my commission expires Dec 31, 2008