

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JULIAN HENDRICK, C.N.A.

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4021, and 54.1-2400(11) of the Code of Virginia (1950), as amended, ("Code"), Julian Hendrick, C.N.A., is hereby given notice that, pursuant to § 2.2-4024(F) of the Code, a formal administrative hearing will be held in the presence of the Board of Nursing ("Board"), with an Officer of the Board presiding. The hearing will be held on July 20, 2006, at 9:00 a.m., at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia, at which time Mr. Hendrick will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Mr. Hendrick has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on his behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Mr. Hendrick desires any witnesses to appear on his behalf, he must notify the Director of Administrative Proceedings, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon evidence that Mr. Hendrick may have violated certain laws and regulations governing nurse aide practice in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that:

1. 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.

2. 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. Additional information related to his mental health is more fully set out in confidential Attachment A.
3. 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.

FOR THE BOARD


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

ENTERED: June 22nd, 2006