

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: DEREK ROBINSON, C.N.A.
Certificate No.: 1401-014859**

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 November 12, 2015 in Henrico County, Virginia. Mr. Robinson was not present nor was he represented by legal counsel. Nancy Durrett, R.N., B.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Robinson was not present nor was he represented by legal counsel.

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. Derek Robinson, C.N.A. was issued Certificate No. 1401-014859 to practice as a certified nurse aide in Virginia on March 13, 1990. Said certificate is set to expire on March 31, 2016.
2. By letter dated October 14, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Robinson notifying him that an informal conference would be held on November 12, 2015. The Notice was sent by certified and first class mail to 615 Hamilton Drive, Apt. 2-A, Newport News, Virginia, 23602, the address of record on file with the Board of Nursing. Neither the Notice sent by certified mail nor the Notice sent by first class mail was returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Robinson and the hearing

proceeded in his absence.

3. By an Order of the Board entered April 6, 2015, Mr. Robinson was found to be unsafe to practice as a certified nurse aide due to substance abuse. Mr. Robinson was placed on probation for a period of two years subject to terms and conditions.

4. Term Nos. 1 through 11 of the Board's Order required Mr. Robinson to complete two years of actual nurse aide practice under the following terms and conditions of probation: Mr. Robinson was ordered to submit prescription reports and refrain from alcohol and drug use, have unannounced random drug screens, attend Narcotics Anonymous two times a week and have evidence of his attendance submitted to the Board, have quarterly performance evaluations completed by his employer(s), submit self-reports to Compliance quarterly, inform his employer(s) of the Board's Order, execute an Authorization for Disclosure of Information form allowing communication between the Board and all of Mr. Robinson's practitioners, inform the Board of any changes in employment and return his certificate to the Board, to be issued a replacement certificate marked "Probation with terms."

5. Since entry of the Board's Order, Mr. Robinson has failed to follow or acknowledge any of the terms and conditions of his probation.

6. Mr. Robinson was employed with Home Helpers, Yorktown, Virginia, from September 18, 2014 to June 1, 2015. Home Helpers reported that Mr. Robinson had a communication problem and responded poorly when requested to complete a task. Mr. Robinson did not inform Home Helpers that he was on probation or provide this employer with a copy of the Board's Order.

7. Mr. Robinson's Compliance Case Manager attempted to contact him on at least two occasions, but Mr. Robinson failed to respond.

CONCLUSIONS OF LAW

Finding of Fact No. 5 constitutes a violation of Term Nos. 1 through 11 of the Board's Order entered April 6, 2015.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Derek Robinson, C.N.A. is hereby REPRIMANDED.
2. Certificate No. 1401-014859 of Mr. Robinson is REVOKED.
3. The certificate of Mr. Robinson will be recorded as REVOKED and no longer current.

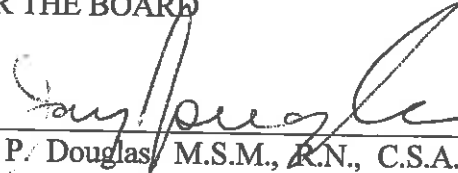
Pursuant to § 54.1-2408.2 of the Code, should Mr. Robinson seek reinstatement of his certificate after three years, an administrative proceeding will be convened to determine whether he is capable of resuming safe and competent practice as a certified nurse aide. Mr. Robinson shall be responsible for any fees that may be required for the reinstatement and renewal of his certificate prior to issuance of his certificate to resume practice. The reinstatement of Mr. Robinson's certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

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. Robinson failed to appear at the informal conference, this Order shall be considered final. Mr. Robinson 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. Robinson 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: February 8th, 2016

Certified True Copy

By [Signature]
Virginia Board Of Nursing