

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: NIGEL EUSTACE, L.P.N.**  
**License No.: 0002-088187**

**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 August 20, 2014, in Henrico County, Virginia. Mr. Eustace was not present nor was he represented by legal counsel. Jodi P. Power, R.N., J.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Eustace was not present nor was she 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. Nigel Eustace, L.P.N., was issued License No. 0002-088187 to practice practical nursing in Virginia on November 26, 2012. The license is scheduled to expire on May 31, 2015. Mr. Eustace's primary state of residence is Virginia.
2. By letter dated July 28, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Eustace notifying him that an informal conference would be held on August 20, 2014. The Notice was sent by certified and first class mail to 4217 Teakwood Drive, Williamsburg, Virginia, 23188, the address of record on file with the Board of Nursing. The Notice was also sent to 103 C

Shafford Road, Williamsburg, Virginia, 23185, a secondary address. The Notice sent via certified mail to the address of record was returned to the Board office unclaimed. The receipt for the Notice sent via certified mail to the address of record was returned unsigned to the Board office. The Notice sent via first class mail to the address of record was not returned to the Board office. The Notice sent via certified mail to the secondary address was not returned to the Board office. The Notice sent via first class mail to the secondary address was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Eustace and the informal conference proceeded in his absence.

3. During the course of his employment with Patriots Colony, Williamsburg, Virginia, while working on the 11 p.m. to 7 p.m. shift, on December 9 and 10, 2013, Mr. Eustace failed to perform vital signs and neurological checks required by the facility's fall protocol on Resident A, who had sustained an unwitnessed fall at approximately 8:30 p.m. on December 9. Further, Mr. Eustace was aware of the fall and the skin tear that the resident had suffered as a result. By his own admission and as confirmed by video surveillance, the only time that Mr. Eustace entered the resident's room during the eight-hour period he was assigned to care for her was 6:39 a.m. on December 10. He entered the room at that time only after being requested to do so by a nurse aide, who had observed that the resident's skin tear, which ultimately required stitches, was bleeding heavily.

4. Mr. Eustace falsely documented the resident's refusal to submit to a check of vital signs and neurological checks on two occasions during the shift in question and falsely documented performing those vital signs and neurological checks on the resident on four occasions during the shift.

5. Mr. Eustace's employment at Patriot's Colony was terminated on December 18, 2013. He had been counseled in November 2013 for failing to complete duties as assigned and failing to complete skilled nursing documentation, including admission assessments. Mr. Eustace previously acknowledged to the Director of Nursing that he had failed to take his professional responsibilities seriously.

6. Mr. Eustace was previously employed at Patriot's Colony and Dominion Village since licensed in 2012. His Dominion Village employment was terminated in May 2013 for no call no show.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 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 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Nigel Eustace, L.P.N., is hereby REPRIMANDED.
2. Mr. Eustace shall provide the Board with verification that he has completed the following NCSBN online courses within 60 days of the entry of this Order: *Ethics of Nursing Practice*; *Documentation: A Critical Aspect of Client Care*; and *Professional Accountability and Legal Liability for Nurses*.
3. Mr. Eustace 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.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Mr. Eustace and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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. Eustace failed to appear at the informal conference, this Order shall be considered final. Mr. Eustace 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. Eustace 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, R.N., M.S.M., C.S.A.C., 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

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

Entered: *December 2, 2014*

Certified True Copy

By *U. Robinson-Howes*  
Virginia Board of Nursing