

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ADAM SPENCER, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-150314

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 4, 2016, in Henrico County, Virginia, to receive and act upon Adam Spencer’s application for reinstatement of his certificate to practice as a nurse aide in Virginia, and to inquire into evidence that Mr. Spencer may have violated certain laws governing nurse aide practice. Mr. Spencer 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. Adam Spencer, C.N.A., was issued Certificate No. 1401-150314 to practice as a nurse aide in the Commonwealth of Virginia on January 25, 2012. Said certificate was suspended by Order of the Board entered on February 9, 2015. This action was taken as a result of Mr. Spencer’s alcohol abuse.
2. Mr. Spencer submitted an application for reinstatement of his certificate to practice as a nurse aide which was received by the Board on October 6, 2015.
3. By letter dated March 1, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Spencer notifying him that an informal conference would be held on April 4, 2016. The Notice was sent by certified and first class mail to 728 Power Dam Road, McGaheysville, Virginia 22840, the address of record on file with the Board of Nursing.
4. On August 15, 2013, Mr. Spencer was convicted of public swearing and intoxication in the Harrisonburg/Rockingham County, Virginia, General District Court.

5. On November 3, 2014, Mr. Spencer was convicted of public swearing and intoxication in the Waynesboro, Virginia, General District Court.
6. On March 9, 2015, Mr. Spencer was convicted of driving while intoxicated, first offense, in the Goochland County, Virginia, General District Court.
7. On January 8, 2016, Mr. Spencer was diagnosed with alcohol use, severe, during an evaluation at Augusta Health Outpatient Behavioral Health Services, Fishersville, Virginia.
8. On January 25, 2016, Mr. Spencer entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP"), recognizing that his alcohol use may impair his ability to practice.
9. Mr. Spencer stated to the Committee that his date of sobriety is December 11, 2014.
10. Mr. Spencer stated that he currently attends Alcoholics Anonymous and Celebrate Recovery 4-6 times a week. He stated that he works with his church's Celebrate Recovery Program and helps with transportation for others who do not have transportation to attend support meetings. Mr. Spencer stated that he has two sponsors. His original sponsor has 19 years of sobriety and is 80 years old, and recently became ill. His sponsor encouraged him to find a back-up sponsor. Mr. Spencer stated that his second sponsor has five years of sobriety.
11. Mr. Spencer stated that he was employed at PetSmart, but quit because his scheduled work hours conflicted with his intensive outpatient program schedule at Recovery Choice, Fishersville, Virginia. Mr. Spencer stated that he graduated from the intensive outpatient program in February 2016, and attends a relapse prevention program.
12. Mr. Spencer stated that his stressors are anxiety and rejection. He stated that he copes with his stress by speaking with his strong support system that includes his church family, his family, and friends in recovery, his sponsors and his counselor at Recovery Choice.

13. Mr. Spencer's HPMP case manager reported that he is compliant with his contract. All of his screens have been negative, he has not a missed call to the test line or to the case manager, and he is attending extra 12-Step meetings.

14. Mr. Spencer stated that he has a job offer to work as a certified nurse aide in the hospice field once he is allowed to return to work by the HPMP.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 through 8 constitute a violation of § 54.1-3007(6) of the Code.
2. Based on the above Findings of Fact, the Committee concludes that Mr. Spencer is properly enrolled in the HPMP.
3. Mr. Spencer otherwise meets the requirements for reinstatement of his certificate to practice as a nurse aide.

ORDER

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

1. The application of Adam Spencer, C.N.A., for certification to practice as a nurse aide in Virginia is APPROVED contingent upon his continued compliance with all terms and conditions of the Recovery Monitoring Contract ("Contract") with the HPMP for the period specified in the Contract.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Mr. Spencer and an administrative proceeding shall be held to decide whether his certificate should be revoked. Mr. Spencer shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Mr. Spencer 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. Spencer involving a violation of law or regulation or any term or condition of this Order; or


c. Mr. Spencer has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Spencer's participation in and compliance with the HPMP, the Board, at its discretion, may waive MR. Spencer's appearance before the Board and conduct an administrative review of this matter.

3. Mr. Spencer 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. Spencer may, not later than 5:00 p.m., on **June 3, 2016**, 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: May 2, 2016

This Order shall become final on **June 3, 2016**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing