

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           JOSEPH WELCH, C.N.A.  
                  Certificate No.: 1401-040193**

**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 September 9, 2014, in Henrico County, Virginia. Joseph Welch, C.N.A., was not present nor was he represented by legal counsel. Nancy Durrett, R.N., M.S., 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. Welch 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. Joseph Welch, C.N.A., was issued Certificate No. 1401-040193 to practice as a nurse aide in Virginia on October 13, 1993. The certificate is scheduled to expire on October 31, 2014.
2. By letter dated August 16, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Welch notifying him that an informal conference would be held on September 9, 2014. The Notice was sent by certified and first class mail to 215 Charles Avenue, Portsmouth, Virginia 23703, the address of record on file with the Board of Nursing. According to the United States Postal Service, the Notice sent by certified mail was available for pick-up at the post office since August 20, 2014. As of September 9, 2014, the Notice sent by first class mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Welch and the informal conference proceeded in his absence.
3. Term 3(b) of the Order of the Board entered April 2, 2009 ("Board's Order"), required Mr. Welch

to comply with the terms and conditions of the Health Practitioners' Program ("HPMP") [*formerly the Health Practitioners' Intervention Program*]. This Order was based on findings that Mr. Welch had a felony conviction for possession of cocaine in 2005, and that he had entered into a Participation Contract with the HPMP.

4. On January 27, 2014, Mr. Welch was dismissed from the HPMP for noncompliance with his contract. Mr. Welch failed to call the screening test line five times between May 17, 2013 and November 14, 2013. He has not called the toxicology screening test line since December 9, 2013; Mr. Welch failed to submit to testing, continued substance use, and continued to work for a home health agency after being required to stop working by the HPMP.

5. Mr. Welch tested positive for cannabis on May 10, 2013, and May 22, 2013. Mr. Welch admitted to his HPMP case manager that prior to testing on May 10, 2013, he used cannabis and drank a beer.

6. Mr. Welch did not cooperate with the investigator for the Department of Health Professions.

#### CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code and Term 3(b) of the Board's Order.

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

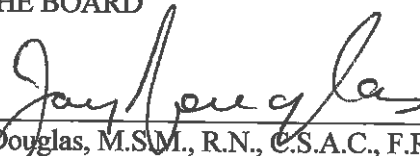
1. Joseph Welch, C.N.A. is hereby REPRIMANDED.
2. Certificate No. 1401-040193 of Mr. Welch to practice as nurse aide is INDEFINITELY SUSPENDED.
3. The certificate will be recorded as suspended and no longer current.
4. At such time as Mr. Welch shall petition the Board for reinstatement of his certificate, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice as a nurse aide. Mr. Welch shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

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. Welch failed to appear at the informal conference, this Order shall be considered final. Mr. Welch 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. Welch has (30) thirty 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 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: \_\_\_\_\_

December 1, 2014

Certified True Copy

By 

Virginia Board Of Nursing