

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JOSEPH WELCH, C.N.A. REINSTATEMENT APPLICANT

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 March 16, 2009, in Henrico County, Virginia, to receive and act upon Joseph Welch’s application for reinstatement of his certificate to practice as a nurse aide in Virginia, and to inquire into evidence that Mr. Welch may have violated certain laws governing nurse aide practice. Mr. Welch 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. Joseph Welch was issued Certificate No. 1401-040193 to practice as a nurse aide in the Commonwealth of Virginia on October 13, 1993. Said certificate expired on October 31, 2005.
2. Mr. Welch submitted an application for reinstatement of his certificate to practice as a nurse aide which was received by the Board on October 20, 2008.
3. On June 6, 2005, in the Circuit Court of the City of Norfolk, Virginia, Mr. Welch was convicted of felony possession of cocaine.
4. On January 17, 2007, in the Circuit Court of the City of Norfolk, Mr. Welch was convicted of felony hit and run.
5. On March 3, 2009, Mr. Welch entered into a participation contract with the Health Practitioners’ Intervention Program (“HPIP”).
6. Mr. Welch reported that he has had 12 negative urine drug screens.

7. Mr. Welch provided a letter of reference from his previous employer of ten years, citing that he demonstrated excellent work performance and outstanding attendance.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) and (6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.
3. Based on the above Findings of Fact, the Committee concludes that Mr. Welch is properly enrolled in the Health Practitioners' Intervention Program.
4. The Board concludes that Mr. Welch has demonstrated satisfactory evidence that he is prepared to resume practice in a safe and competent manner.

ORDER

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

1. The certificate of Joseph Welch is hereby REINSTATED contingent upon proof of his entering into a Recovery Monitoring Contract with the HPIP.
2. Thereafter, Mr. Welch shall continue to comply with the terms and conditions of the Recovery Monitoring Contract for the period specified by the HPIP.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Mr. Welch, and an administrative proceeding shall be held to decide whether his certificate should be revoked. Mr. Welch shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Mr. Welch has failed to enter into a Recovery Monitoring Contract with the HPIP;
 - b. Mr. Welch is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;


c. There is a pending investigation or unresolved allegation against Mr. Welch involving a violation of law or regulation or any term or condition of this Order; or

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

4. Mr. Welch shall maintain a course of conduct in his capacity as a 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.

FOR THE COMMITTEE



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

ENTERED: April 2nd, 2009


NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is

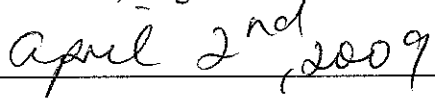
received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was mailed on this day to Joseph Welch at 5914 Knightsbridge Way, Portsmouth, Virginia 23703.



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



Date