

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ALLEN C. CLEMENTS III, R.N.
License No.: 0001-193045**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on July 23, 2014 in Henrico County, Virginia. Allen C. Clements III, R.N. was present and was represented by Lindsay Walton, Esquire. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Clements 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. Allen C. Clements, III, R.N. was issued License No. 0001-193045 to practice professional nursing in Virginia on October 8, 2004. The license is scheduled to expire on August 31, 2015. His primary state of residence is Virginia.

2. By letter dated February 7, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Clements notifying him that an informal conference would be held on March 4, 2014. The Notice was sent by certified and first class mail to 115 Katherine Street, Suffolk, Virginia 23434, the address of record on file with the Board of Nursing. The informal conference was continued, and the Board notified Mr. Clements by certified and first class mail to the address of record

that the informal conference would be held on July 23, 2014.

3. During the course of his employment with Maxim Healthcare Services, Newport News, Virginia, in or about March 2013, while assigned to provide care to a 12-year-old child diagnosed with cerebral palsy who had a tracheostomy and was ventilator dependent, Mr. Clements left the patient unattended in a motel room for approximately two minutes.

4. The patient and her family were homeless at the time of the incident and were staying in a motel. Mr. Clements left the patient in order to ensure that the patient's ten-year-old sister could get breakfast in the motel lobby. There was no other adult present at the time. Mr. Clements stated at the informal conference that he had just completed his patient's nebulizer treatment and suctioning and that her vital signs were normal. He stated that he had two cell phones acting as a monitor and that he would have been able to hear if his patient's ventilator had alarmed while he was gone.

5. Mr. Clements' employment with Maxim was terminated as a result of this incident, which he self-reported to his supervisor. He was already working for Continuum Home Health and remains employed with Continuum. He currently has one assigned patient, who is 21 years old.

CONCLUSIONS OF LAW

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.

ORDER


WHEREFORE, it is hereby ORDERED as follows:

1. Allen C. Clements III, R.N. is hereby REPRIMANDED.
2. Mr. Clements shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Clements may, not later than 5:00 p.m., on **November 4, 2014**, 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 BOARD:



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

ENTERED: October 2, 2014

This Order shall become final on **November 4, 2014**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By M. Robinson-Flowers
Virginia Board of Nursing