

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JOSEPH ROWE, R.N.
License No.: 0001-198582

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 May 8, 2014, in Henrico County, Virginia. Mr. Rowe was not present nor was he represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Rowe 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. Joseph Rowe, R.N., was issued License No. 0001-198582 to practice professional nursing in Virginia on October 11, 2005. The license expired on May 31, 2014. Mr. Rowe's primary state of residence is Virginia.

2. By letter dated May 1, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Rowe notifying him that an informal conference would be held on May 28, 2014. The Notice was sent by certified and first class mail to 299 Leedstown Road, Colonial Beach, Virginia 22443, the address of record on file with the Board of Nursing. The Notice was also sent to 1252 Glebe Harbor Drive, Montross, Virginia 22520, a secondary address. According to the United States Postal Service, the

Notices sent by certified mail to the address of record and to the secondary address were delivered on May 2, 2014. As of May 28, 2014, the Notices sent by first class mail to the address of record and the secondary address had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Rowe and the informal conference proceeded in his absence.

3. Mr. Rowe has had multiple psychiatric hospitalizations as a result of overdosing on medication, which have been classified as suicide attempts. Most recently, on October 4, 2013, Mr. Rowe was admitted to Mary Washington Healthcare, Fredericksburg, Virginia, and was subsequently admitted to Poplar Springs Hospital, Petersburg, Virginia.

4. Mr. Rowe has been hospitalized several times at psychiatric facilities since 2009. Three of those admissions were following suicide attempts, although Mr. Rowe denied that he was suicidal.

5. Mr. Rowe's psychiatrist stated to the investigator for the Department of Health Professions that Mr. Rowe's prognosis is fair, and it would be best that Mr. Rowe did not have a license to practice nursing.

6. Mr. Rowe responded to the allegations by letter dated May 14, 2014. Mr. Rowe stated that he is currently living in Florida. He did not state whether he was receiving any type of mental health treatment. The letter appeared to be rambling and he blamed his psychiatric problems on a work related injury, in which he was kicked in the head by a patient.

7. Mr. Rowe stated that he last worked as a nurse in 2008, and is currently receiving disability.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended ("Code").

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Joseph Rowe to renew License No. 0001-198582 to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than two years.

2. The license will be recorded as suspended and no longer current.

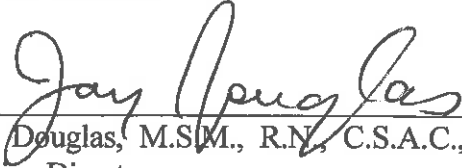
3. At such time as Mr. Rowe shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of professional nursing. Mr. Rowe shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

3. This suspension applies to any multistate privilege to practice professional nursing.

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. Rowe failed to appear at the informal conference, this Order shall be considered final. Mr. Rowe 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. Rowe has 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, 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 (3) 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: August 6TH, 2014

Certified True Copy

By Y. Robinson-Flowers
Virginia Board of Nursing

8-6-2014