

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ERIC PRICE, C.N.A.
 Certificate No. 1401-083388**

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 Virginia Board of Nursing ("Board") on June 10, 2014, in Henrico County, Virginia. Mr. Price was not present nor was he represented by legal counsel. Judith E. Piersall, R.N., B.S.N., 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. Price 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. Eric Price was issued Certificate No. 1401-083388 to practice as a nurse aide in Virginia on July 15, 2000. The certificate is scheduled to expire on July 31, 2014.
2. By letter dated April 29, 2014, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Price notifying him that an informal conference would be held on June 10, 2014. The Notice was sent by certified and first class mail to 4446 John Jay Lane, Virginia Beach, VA 23462, the address of record on file with the Board of Nursing. The certified mail was unclaimed at the post office and returned to the Board. The first class mail was not returned. The Agency Subordinate concluded that adequate notice was provided to Mr. Price and the informal conference proceeded in his absence.
3. During his employment with Bay Lake Retirement and Assisted Living Facility, ("Bay Lake"), Virginia Beach, Virginia in December, 2013, Mr. Price verbally and physically abused Resident A, a 93-year-old woman with dementia. He cursed the resident when she criticized his appearance, put salt in her coffee, ran

a broom over her feet when he was sweeping the floor, ransacked her room, and sprayed cleaning fluid in her hair. The abuse was reported by another C.N.A. at Bay Lake who observed the abuse. Although Resident A has dementia, she is higher functioning, and her reports of abuse were judged to be credible.

4. When Mr. Price was confronted at Bay Lake regarding the allegation of abuse, he walked off the job and never returned. His employment was terminated by letter on January 10, 2014.

5. Mr. Price did not respond to the attempts of the Department of Health Professions' investigator to interview him.

6. The Executive Director and Director of Nursing at Bay Lake attended the informal conference and told the Agency Subordinate that they believe that Mr. Price had abused Resident A.

7. Mr. Price had previously worked for Lake Taylor Transitional Care Hospital, Norfolk, Virginia beginning on February 11, 2013. He resigned that position on June 26, 2013.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a finding of Abuse pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-083388 of Eric Price, C.N.A., is REVOKED.

2. The certificate will be recorded as revoked and no longer current.

3. A Finding of Abuse shall be ENTERED against Eric Price in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Mr. Price's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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. Price failed to appear at the informal conference, this Order shall be considered final. Mr. Price 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. Price has thirty (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: July 22, 2014

Certified True Copy

By 
Virginia Board Of Nursing