



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

April 29, 2014

Eric Price, C.N.A., R.M.A. Applicant
4446 John Jay Lane
Virginia Beach, VA 23462

CERTIFIED MAIL
9414726699042003205258

RE: VA Certificate No.: 1401-083388
Expiration Date: July 31, 2014

Dear Mr. Price:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **June 10, 2014, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will receive and act upon your application for registration to practice as a medication aide and inquire into allegations that you may have violated certain laws and regulations governing nurse aide practice and medication aide practice in Virginia.

Specifically, during your employment with Bay Lake Retirement and Assisted Living Facility, Virginia Beach, Virginia, in or about December, 2013, you may have violated § 54.1-3007(2), (5) and (8) of the Code, 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Aides and 18 VAC 90-60-120(2)(f) of the Regulations Governing the Registration of Medication Aides in that you verbally and physically abused Resident A, a 93-year-old woman with dementia, as evidenced by the following:

1. You cursed said resident when she criticized your appearance.
2. You put salt in her coffee.
3. You ran a broom over her feet when you were sweeping the floor.
4. You ransacked her room.

5. You sprayed cleaning fluid in her hair.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, with respect to your nurse aide certificate, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your certificate, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

If the agency subordinate finds that there is sufficient evidence to find you in violation of the above charges and § 54.1-3007(8) of the Code, the agency subordinate shall recommend that the Board make a finding of abuse, neglect, or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit your future employment as a certified nurse aide in any long term care facility that receives Medicare or Medicaid reimbursement.

With respect to your application for registration as a medication aide, the agency subordinate may:

- Approve your application for registration as a medication aide;
- Recommend to the Board that your application for registration be approved with a reprimand, a monetary penalty, or terms and conditions, which may include placing you on probation;
- Recommend to the Board that your application for registration as a medication aide be denied.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

The burden rests on you, as the applicant, to demonstrate that you meet the requirements of §54.1-3042 of the Code.

Board's Review of Agency Subordinate's Recommended Decision

If you appear in person or by counsel at the informal conference, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you fail to appear in person or by counsel at the informal conference, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the

recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**


To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Virginia Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by June 3, 2014. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on June 10, 2014. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on June 3, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after June 3, 2014 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4614.

Sincerely,


per Brenda Krohn, R.N., M.S.
Deputy Executive Director

BK/fdb
Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Peter Opper, Adjudication Specialist
JW Turner, Senior Investigator (Case nos. 154944 & 154945)
Agency Subordinate