

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       ANDREW P. AUSTIN**  
**Registration No.: 0031-001660**

**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 6, 2014, in Henrico County, Virginia. Andrew P. Austin, R.M.A., was not present nor was he represented by legal counsel. Judith 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. Austin 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. Andrew P. Austin, R.M.A., was issued Registration No. 0031-001660 to practice as a medication aide in the Commonwealth of Virginia on December 19, 2008. Said registration expires on June 30, 2014.

2. By letter dated April 9, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Austin notifying him that an informal conference would be held on May 6, 2014. The Notice was sent by certified and first class mail to 1160 Elkhorn Rd. E, Java, Virginia, 24565, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was signed by Mr. Austin and returned to the Board office on April 15, 2014. The Notice sent via first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Austin and the informal conference proceeded in his absence.

3. On June 9, 2013, during the course of his employment with Sekpeh's Adult Home, Halifax, Virginia, Mr. Austin struck a resident in the face multiple times, resulting in two black eyes and multiple cuts to the resident's face. Mr. Austin failed to seek medical treatment for the resident. Mr. Austin's employment was terminated following this incident.

4. On October 21, 2013, Mr. Austin pled guilty to and was convicted in the Halifax County, Virginia, General District Court, of abuse of an incapacitated adult while being a responsible person, a misdemeanor, and assault and battery. These convictions stemmed from the incident referenced in Finding of Fact No. 3.

5. On November 13, 2013, during the course of his employment with Younger's Adult Home, Halifax, Virginia, Mr. Austin failed to document the administration of medication to multiple residents during his shift. He left this employment as a result of his criminal conviction.

6. Mr. Austin has been convicted of driving under the influence on three separate occasions. He is currently enrolled in the Health Practitioners' Monitoring Program.

#### **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 90-60-120(2)(f) of the Regulations Governing the Registration of Medication Aides ("Regulations").

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-60-120(2)(l) and (m) and 18 VAC 90-60-110(A)(2) of the Regulations.

3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:


1. Registration No. 0031-1660 of Andrew P. Austin, R.M.A., is REVOKED.
2. The registration of Ms. Austin will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Mr. Austin seek reinstatement of his registration after three years, he

shall be responsible for any fees that may be required for the reinstatement of his registration prior to issuance of his registration to resume practice. The reinstatement of Mr. Austin's registration shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

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. Austin failed to appear at the informal conference, this Order shall be considered final. Mr. Austin 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. Austin 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, R.N., M.S.M., C.S.A.C., 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

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

Entered: July 21, 2014

Certified True Copy

By   
Virginia Board Of Nursing