

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: DENNIS BOMAR, C.N.A.
Certificate No.: 1401-097529**

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 April 17, 2014, in Henrico County, Virginia. Mr. Bomar was not present and was not represented by counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 21, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Bomar 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. Dennis Bomar, C.N.A., was issued certificate number 1401-097529 to practice as a nurse aide in Virginia on April 24, 2003. The certificate is scheduled to expire on April 30, 2014.
2. By letter dated March 19, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Bomar notifying him that an informal conference would be held on April 17, 2014. The Notice was sent by certified and first class mail to 725 Marshall Avenue, South Boston, Virginia, 24592, the address of record on file with the Virginia Board of Nursing. The certified mail receipt was signed by Mr. Bomar and returned to the Board. The first class mail was not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Mr. Bomar and the informal conference proceeded in his absence.

3. During his employment at The Woodrow, South Boston, Virginia, on November 11 and 12, 2013, Mr. Bomar practiced beyond the scope of a certified nurse aide in administering Benadryl (diphenhydramine) to a resident.

4. Mr. Bomar admitted giving the Benadryl to the resident, stating that the resident told him that his leg was itching and Mr. Bomar did not want the resident to suffer.

5. There was no patient harm.

6. Mr. Bomar's employment at the Woodrow was terminated as a result of this incident.

7. Mr. Bomar had been employed at the Woodrow since 2003, and the Director of Nursing described his practice as average.

8. Mr. Bomar did not respond to the efforts of the Department of Health Professions' investigator to arrange a meeting or telephone interview.

CONCLUSIONS OF LAW

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

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Dennis Bomar, C.N.A., is hereby REPRIMANDED.

2. Mr. Bomar shall maintain a course of conduct in his capacity as a nurse aide 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.

Since Mr. Bomar failed to appear at the informal conference, this Order shall be considered final. Mr. Bomar 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. Bomar 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, Virginia 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: May 30, 2014