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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JACK HAWK, C.N.A.
Certificate No.: 1401-092644

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Jack Hawk, C.N.A., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Hawk's certificate to practice as a nurse aide in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Jack Hawk was issued Certificate No. 1401-092644 to practice as a nurse aide by the Virginia Board of Nursing on June 1, 2002. Said certificate is set to expire on June 30, 2014.
2. During his employment at Southwestern Virginia Mental Health Institute, Marion, Virginia, on October 18, 2013, Mr. Hawk yelled at a resident and pushed his arm and shoulder, causing him to drop the dish he was carrying.
3. After a facility investigation, it was determined that Mr. Hawk had verbally and physically abused said resident. On October 23, 2013, Mr. Hawk was informed that his employment would be terminated. Although Mr. Hawk denied physically abusing the resident, he admitted scolding and speaking harshly to the resident.
4. On October 25, 2013, Mr. Hawk resigned his position in lieu of termination.
5. On January 15, 2014, Mr. Hawk informed the Department of Health Professions that he wished to surrender his C.N.A. certificate and enclosed a photocopy of his certificate.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.
2. Finding of Fact No. 2 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.

CONSENT

Jack Hawk, C.N.A., by affixing his signature hereon, agrees to the following:

1. Mr. Hawk has been advised to seek advice of counsel prior to signing this document;
2. Mr. Hawk acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. Mr. Hawk acknowledges that he has the following rights, among others: the right to an informal fact-finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against him;
4. Mr. Hawk waives all such right to an informal conference;
5. Mr. Hawk admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. Mr. Hawk consents to the entry of the following Order affecting his right to practice as a nurse aide in Virginia.


ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ACCEPTS the SURRENDER of Mr. Hawk's certificate to practice as a nurse aide and ORDERS as follows:

1. Certificate No. 1401-092644 of Jack Hawk, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia, is hereby REVOKED.
2. The certificate will be recorded as REVOKED and no longer current.
3. A finding of Abuse shall be ENTERED against Mr. Hawk 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. Hawk'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 §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD



Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: May 20, 2014

SEEN AND AGREED TO:

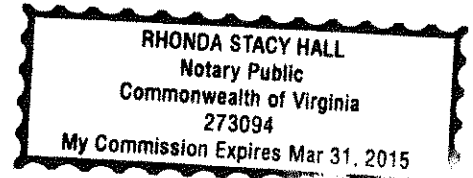
Jack Hawk
Jack Hawk, C.N.A.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Marion, Smyth TO WIT:

Subscribed and sworn to before me, Rhonda Stacy Hall, a Notary Public, this 4 day of April, 2014.

My commission expires March 31, 2015.

Registration Number 273094.



Rhonda Stacy Hall
NOTARY PUBLIC

Certified True Copy

By S. Brath
Virginia Board Of Nursing