

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: EDGAR R. CONCEPCION, R.N.
License No.: 0001-227544

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 January 9, 2014, in Henrico County, Virginia. Edgar R. Concepcion, R.N., was present and was represented by Nicholas Balland, Esquire. Janet B. Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Concepcion 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. Edgar R. Concepcion, R.N., was issued License No. 0001-227544 to practice professional nursing in Virginia on October 5, 2010. The license is scheduled to expire on January 31, 2016. His primary state of residence is Virginia.

2. By letter dated September 13, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Concepcion notifying him that an informal conference would be held on October 16, 2013. The Notice was sent by certified and first class mail to 6129 Leesburg Pike, Apt. 1104, Falls Church, Virginia 22041, the address of record on file with the Board of Nursing. The Notice was also sent to 2960 Sleepy Hollow Road, Falls Church, Virginia 22044, a secondary address. Subsequently,

Mr. Concepcion requested a continuance. By letter dated November 5, 2013, Mr. Concepcion was notified that an informal conference would be held on January 9, 2014.

3. During the course of his employment with Northern Virginia Mental Health Institute, Falls Church, Virginia, on March 22, 2013, Mr. Concepcion tested positive for alcohol while on duty.

4. On March 14, 2011, in the General District Court of Fairfax County, Virginia, Mr. Concepcion was convicted of driving while intoxicated, second offense. He was sentenced to 180 days in jail with 170 days suspended, and placed on probation for one year. He was ordered to enter the Virginia Alcohol Safety Action Program ("VASAP"), which he is scheduled to complete in May 2014.

5. On January 10, 2011, in the Circuit Court of Fairfax County, Virginia, Mr. Concepcion was convicted of driving while intoxicated, first offense, and was ordered to enter the VASAP.

6. Mr. Concepcion reported a sobriety date of March 21, 2013. Mr. Concepcion presented a letter from the Fairfax/Falls Church Community Services Board dated January 2, 2014, indicating that he has been receiving outpatient treatment since July 2012 and that he has been negative for drugs and alcohol while in treatment.

7. Mr. Concepcion has been employed at Dominion Hospital, Falls Church, Virginia, since 2007.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3-5 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Edgar R. Concepcion, R.N., is hereby REPRIMANDED.
2. Mr. Concepcion shall provide the Board with verification that he has successfully completed the VASAP within 30 days of completion.

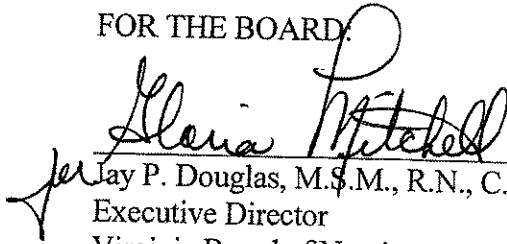
3. Mr. Concepcion shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of Nursing.

4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Edgar R. Concepcion, R.N., and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Concepcion may, not later than 5:00 p.m., on May 5, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

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: April 1, 2014

This Order shall become final on May 5, 2014 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing