

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           JOSEPH K. WALKER, L.P.N.**  
**License No.: 0002-083784**

**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 October 20, 2015, in Henrico County, Virginia. Mr. Walker 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 January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Walker 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. Joseph K. Walker, L.P.N. was issued License No. 0002-083784 to practice practical nursing in Virginia on November 17, 2010. The license is scheduled to expire on October 31, 2016. Mr. Walker's primary state of residence is Virginia.

2. By letter dated September 21, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Walker notifying him that an informal conference would be held on October 20, 2015. The Notice was sent by certified and first class mail to 825 W. 28<sup>th</sup> St., Norfolk, Virginia 23508, the address of record on file with the Board of Nursing. The certified mail receipt was not returned to the Board office. The Notice sent by first class mail was not returned to the Board office. The Agency

Subordinate concluded that adequate notice was provided to Mr. Walker and the informal conference proceeded in his absence.

3. During the course of his employment with Continuum Pediatric Nursing, Norfolk, Virginia:

a. On November 11, 2014, Mr. Walker falsely documented that he was present and provided care to a minor patient, who required total care, from 11:00 p.m. until 7:00 a.m., when, in fact, Mr. Walker did not report to work until approximately 12:30 a.m. and left at approximately 6:20 a.m.

b. On November 14, 2014, Mr. Walker was scheduled to provide care to the same patient from 7:00 a.m. until 7:00 p.m. Against his employer's instructions, Mr. Walker left at approximately 1:45 p.m., with over five hours remaining on his shift, and falsely documented administering care at 2:00 p.m. Mr. Walker reported to the patient's mother that the office had given him approval to leave early.

c. From November 12, 2014 through November 13, 2014, Mr. Walker failed to report to his shift to provide care for the same patient. Further, Mr. Walker failed to notify his employer or the patient's family that he would not be reporting to his shift as scheduled.

4. Mr. Walker told Continuum Pediatric Nursing that he "did not see what the big deal was" to falsely document that he had administered care at a time when he was not present at work.

5. As a result of these incidents, Mr. Walker's employment with Continuum Pediatric Nursing was terminated on November 14, 2014.

6. On his application for employment with Continuum Pediatric Nursing, dated August 27, 2014, Mr. Walker failed to list his employment with Heritage Hall-Virginia Beach, Virginia Beach, Virginia. Mr. Walker was terminated from Heritage Hall on May 21, 2013. This termination was the result of Mr. Walker delegating duties to a certified nurse aid beyond the scope of practice of certified

nurse aids. This action resulted in an Order of the Board for a reprimand of Mr. Walker entered February 7, 2014.

7. As of March 31, 2015, Mr. Walker told an investigator for the Department of Health Professions that he was not currently working in nursing.

#### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and 3(b) constitute a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Finding of Fact No. 3(c) constitutes a violation of §54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.

3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-083784 of Joseph K. Walker, L.P.N. is INDEFINITELY SUSPENDED for a period of not less than one year.

2. The license will be recorded as suspended and no longer current.

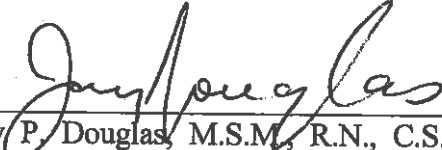
3. At such time as Mr. Walker shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of practical nursing. Mr. Walker shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice practical nursing.

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


Since Mr. Walker failed to appear at the informal conference, this Order shall be considered final. Mr. Walker 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. Walker 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, 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

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

Entered: February 12<sup>th</sup>, 2016

**Certified True Copy**

By:   
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**Virginia Board of Nursing**