

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JAMES C. McGLONE, C.N.A.
Certificate No.: 1401-151665**

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 September 10, 2013, in Henrico County, Virginia. James C. McGlone, C.N.A., was not present nor was he represented by legal counsel. Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. McGlone 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. James C. McGlone, C.N.A., was issued Certificate No. 1401-151665 to practice as a nurse aide in Virginia on April 13, 2012. The certificate is scheduled to expire on April 30, 2014.
2. By letter dated August 14, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. McGlone notifying him that an informal conference would be held on September 10, 2013. The Notice was sent by certified and first class mail to 21451 Deepwood Terrace, Apt. 420, Ashburn, Virginia 20148, the address of record on file with the Board of Nursing. The certified mail receipt was signed on August 16, 2013, and the first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. McGlone and the informal

conference proceeded in his absence.

3. During the course of his employment with Safeway Pharmacy, Ashburn, Virginia, from December 2012 to February 8, 2013, Mr. McGlone diverted oxycodone (Schedule II), hydrocodone (Schedule III) and alprazolam (Schedule IV) for his personal and unauthorized use. Mr. McGlone accomplished the diversion by removing medications from the pharmacy stock. Mr. McGlone's employment was terminated on February 12, 2013, as a result.

4. On March 27, 2013, during an interview with an investigator from the Department of Health Professions, Mr. McGlone admitted to being an addict. On May 2, 2013, Mr. McGlone entered a Participation Contract with the Health Practitioners' Monitoring Program due to opiate dependence and on June 21, 2013, he was dismissed from the program after leaving a residential treatment center against medical advice.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-25-100(2)(c) of the Regulations Governing Certified Nurse Aides.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

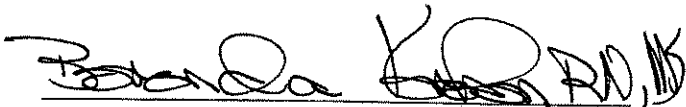
1. Certificate No. 1401-151665 of James C. McGlone, C.N.A., is INDEFINITELY SUSPENDED for a period of not less than two years.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Mr. McGlone shall petition the Board for reinstatement of his certificate, an administrative proceeding will be convened to determine whether he is capable of resuming safe and competent practice as a nurse aide. Mr. McGlone shall be responsible for any fees

that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

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


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

Entered: December 3, 2013