

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DAVID AUCLAIR, L.P.N.
License No.: 0002-033854

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 July 30, 2013, in Henrico County, Virginia. David Auclair, L.P.N., was present and was not represented by legal counsel. Janet Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 18, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Auclair 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. David Auclair, L.P.N., was issued License No. 0002-033854 to practice practical nursing in Virginia on May 8, 1984. The license is scheduled to expire on February 28, 2015. His primary state of residence is Virginia.

2. By letter dated July 2, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Auclair notifying him that an informal conference would be held on July 30, 2013. The Notice was sent by certified and first class mail to P.O. Box 1616, Harrisonburg, Virginia 22803, the address of record on file with the Board of Nursing.

3. During the course of his employment with Life Care Center of New Market, Virginia, on February 21, 2013:

a. By his own admission, Mr. Auclair failed to ensure that Resident A's feeding tube was connected and running as ordered.

b. By his own admission, Mr. Auclair failed to administer Resident A's 5:00 p.m. medications at the ordered time.

c. Mr. Auclair administered all of Resident B's 6:00 p.m. and 9:00 p.m. medications between 7:30 p.m. and 8:00 p.m.

d. By his own admission, Mr. Auclair administered Resident C's night-time medications at 5:00 p.m.

4. Mr. Auclair's employment with Life Care Center, which began in 2010, was terminated in February 2013 as a result of these incidents. Previously, in December 2012, he had received two write-ups for failing to complete his job duties. There was no patient harm noted.

5. Mr. Auclair stated at the informal conference that on the day in question, he was feeling overwhelmed by the medication pass, that he was trying to get ahead and make it more efficient, and that he was suffering from lingering effects of taking Chantix, an anti-smoking medication, which included confusion and memory loss. He also stated that he has difficulty dealing with stress.

6. Mr. Auclair stated that in his 29 years as a nurse, he has never been terminated for errors, although he was terminated from a facility in 2007 for resigning without notice. He is currently employed PRN at Avante of Waynesboro, which he stated is not as chaotic or stressful an environment, and is scheduled to begin full-time work there on August 1, 2013. He stated that his new employer was not aware of the Board's investigation, but that his new director of nursing was aware that his employment with Life Care had been terminated.

CONCLUSIONS OF LAW

Finding of Fact #3 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 Governing the Practice of Nursing.

ORDER

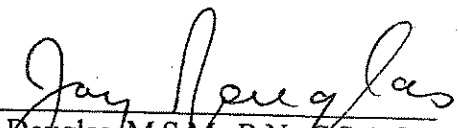
WHEREFORE, it is hereby ORDERED as follows:

1. David Auclair, L.P.N., is hereby REPRIMANDED.
2. Mr. Auclair shall maintain a course of conduct in his capacity as a practical nurse 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.

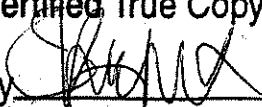
Pursuant to Section 54.1-2400(10) of the Code, Mr. Auclair may, not later than 5:00 p.m., on November 11, 2013, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative 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: October 8TH, 2013

This Order shall become final on November 11, 2013 unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing