

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MICHAEL PERRY, L.P.N.
License No.: 0002-085929

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 April 11, 2013, in Henrico County, Virginia. Michael Perry, L.P.N., was present and was not represented by legal counsel. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Perry was present and was not 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. Michael Perry, L.P.N, was issued License No. 0002-085929 to practice practical nursing in Virginia on October 14, 2011. The license is scheduled to expire on December 31, 2014. He also holds a license to practice practical nursing in the State of New York, which is scheduled to expire in August 2014. His primary state of residence is Virginia.
2. By letter dated March 20, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Perry notifying him that an informal conference would be held on April 11, 2013. The Notice was sent by certified and first class mail to 2502 Carriage House Way, Williamsburg, Virginia 23188, the address of record on file with the Board of Nursing.
3. During the course of his employment with The Gardens at Warwick Forest, Newport

News, Virginia:

a. On June 8, 2012, Mr. Perry provoked Resident A, an agitated dementia resident, by waving his hands in the resident's face. When the resident picked up a chair and began to throw it at him, Mr. Perry took the chair from the resident's hands, took the resident by the hands, and forced him into a sitting position on the floor. This incident was witnessed by a nurse aide, and there was no injury to the resident.

b. On June 1, 2012, Mr. Perry repeatedly admonished and threatened Resident B, a dementia resident who had become agitated during a storm and was pushing on the exit door.

4. At the informal conference, Mr. Perry denied provoking Resident A. He acknowledged threatening to send Resident B out into the storm, but stated that he was being sarcastic and meant it as a joke, and that it was an effort to keep the resident from going outside.

5. Mr. Perry's employment with The Gardens was terminated on June 18, 2012 for failure to treat residents in accordance with the policies of the facility. Mr. Perry stated at the informal conference that he was not currently employed in nursing. He also stated he had not previously received adequate training on how to deal with combative patients, but reported he had since taken an online course related to dealing with dementia.

CONCLUSIONS OF LAW

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)(f) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

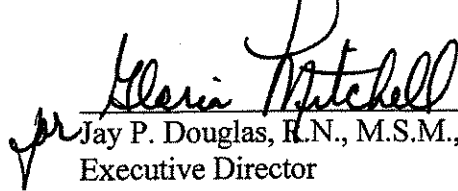
1. Michael Perry, L.P.N., is hereby REPRIMANDED.
2. Mr. Perry shall maintain a course of conduct in his capacity as a practical nurse

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. Perry may, not later than 5:00 p.m., on July 16, 2013, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

ENTERED: June 13, 2013

This Order shall become final on July 16, 2013, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing