

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JAMES C. WALKER, L.P.N.
License No.: 0002-083935

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 20, 2013, in Henrico County, Virginia, to inquire into evidence that James C. Walker, L.P.N., may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Mr. Walker was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. James C. Walker, L.P.N., was issued License No. 0002-083935 to practice practical nursing in the Commonwealth of Virginia on December 14, 2010. Said license expires on December 31, 2013. Mr. Walker previously held licenses to practice practical nursing in Texas and Maryland. The Texas license expired on December 31, 2009, and is in a delinquent status. The Maryland license expired on December 28, 2010, and is in an invalid status. Mr. Walker is currently residing in Florida.
2. Based upon the representations of Cynthia E. Gaines, Adjudication Specialist, and Commonwealth's Exhibit No. 1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in his absence.

3. In May 2012, during the course of his employment with Team Nurse, Verona, Virginia, Mr. Walker was assigned to provide care to Client A, who required Mr. Walker to maintain the client's needs while he attended school. Mr. Walker left Client A alone at times in his classroom, he was observed mouthing "I love you" to a female student to whom he was not related as he passed her classroom, and he made sexually inappropriate comments to female students while sitting with Client A in the cafeteria.

4. On April 20, 2012, during the course of his employment with Nurse Finders, Charlottesville, Virginia, and while assigned to the University of Virginia, HealthSouth, Charlottesville, Virginia ("UVA"), Mr. Walker touched Patient B, who is alert and oriented, on the upper leg then kissed her mouth and talked to her about sex. Further, when Patient B complained of stomach pain, Mr. Walker palpated her stomach and was overheard by another staff member telling Patient B that she was full of sh*t.

5. On April 20, 2012, at UVA Mr. Walker woke Patient C, who was alert and oriented, by rubbing her breasts and stomach in a circular motion. Mr. Walker also repeatedly called her "big" and became angry when he entered her room to find that Patient C's husband had assisted her in changing into her nightgown, stating that it was his job to help her change.

6. During the course of his employment with Harrisonburg Health and Rehabilitation Center, Harrisonburg, Virginia, Resident D, who is alert and oriented, reported to a staff member on August 9, 2012, that Mr. Walker spoke to her in a rude and rough tone, and that she felt that he verbally abused her. Further, nine female staff members reported that Mr. Walker made sexually harassing comments to them, and that he made unwanted physical contact with them during his shift.

7. On September 10, 2012, Mr. Walker was convicted of petit larceny in the Waynesboro, Virginia, General District Court. Mr. Walker, while still on court-ordered supervised probation, moved to Florida without notifying his probation officer of his move and has otherwise failed to appear for any of his scheduled appointments.

8. From February 22, 2010, until March 8, 2010, Mr. Walker was hospitalized at Perry Point

Veterans Administration Medical Center ("Perry Point VA"), Perry Point, Maryland, for suicide ideations, and with a discharge diagnosis of recurrent depressive disorder and moderate cocaine dependence. From July 6, 2009 until September 14, 2009, he was treated at the Perry Point VA for cocaine dependence and severe recurrent depression. In March, 2013, Mr. Walker was hospitalized in an in-patient treatment program at the James A. Haley Veterans Hospital, Tampa, Florida, with an undisclosed diagnosis.

9. On his application for employment with Interim Healthcare, Fishersville, Virginia, Mr. Walker stated that he resigned from his position with Augusta Correctional Center, Craigsville, Virginia, when, in fact, Mr. Walker was terminated for poor performance.

10. On his application for employment with Team Nurse, Mr. Walker failed to disclose the actual reason for his termination from Augusta Correctional Center, or to disclose his employment with Nurse Finders and Envoy, Kings Daughters. Since his initial licensure in Virginia on December, 14, 2010, Mr. Walker has been terminated from employment by four different employers due to inappropriate interactions with patients, families and staff.

11. On June 2, 2012, Mr. Walker tested positive for Lorazepam (C-IV) without having a valid prescription.

12. In an email to the Board dated May 18, 2013, Mr. Walker stated that the Florida Board of Nursing has approved his license to practice practical nursing as long as he is monitored by the Florida Intervention Project for Nurses.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 3 through 6 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.
2. Finding of Fact No. 7 constitutes a violation § 54.1-3007(4) of the Code.

3. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(6) of the Code.
4. Findings of Fact Nos. 9 and 10 constitute a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0002-083935 issued to James C. Walker to practice practical nursing in the Commonwealth of Virginia is hereby REVOKED.
2. The license of Mr. Walker will be recorded as REVOKED. Pursuant to § 54.1-2408.2 of the Code, should Mr. Walker seek reinstatement of his license after three years, he shall be responsible for any fees that may be required for the reinstatement of his license prior to issuance of his license to resume practice. The reinstatement of Mr. Walker's license shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
3. At such time as Mr. Walker shall petition the Board for reinstatement of his license, a hearing will be convened to determine whether he is able to return to the safe and competent practice of practical nursing.
4. This Order shall be applicable to Mr. Walker's multistate licensure privileges, if any, to practice practical nursing.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

Gloria Mitchell
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

May 31, 2013
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy
By *agraham*
Virginia Board of Nursing