

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           JESSICA MAYO, R.N.**  
**License Number:   0001-159591**  
**Expiration Date:   April 30, 2017**  
**Case Number:       177040, 173720**

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**AMENDED NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY  
SUBORDINATE  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing (“Board”) regarding your license to practice professional nursing in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before an Agency Subordinate of the Board.
<b>DATE AND TIME:</b>	April 5, 2017 at 2:00 p.m.
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

### **Board's Review of Agency Subordinate's Recommended Decision**

If you **appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

### **ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

### **RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

### **INFORMAL CONFERENCE MATERIALS:**

You previously received a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents were enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

### **FILING DEADLINES:**

Deadline for filing materials: **March 31, 2017**. Submit five copies of all documents you want the Board to consider to Sylvia Tamayo-Suijk, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

### **REQUEST FOR A CONTINUANCE**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **March 31, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **March 31, 2017**.

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## STATEMENT OF ALLEGATIONS

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The Board alleges that:

1. At all times relevant hereto, Jessica Mayo, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Ms. Mayo violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”) (currently found at 18 VAC 90-19-230(A)(2)(c) and (e), effective February 24, 2017) in that during the course of her employment with Old Dominion School of Nursing, Norfolk, Virginia, while working on an assignment at Bon Secours DePaul Medical Center, Norfolk, Virginia, on or about February 18, 2016, she diverted approximately three tablets of Adderall (amphetamine, C-II), 10 tablets of oxycodone (C-II), and 10 tablets of hydrocodone (C-II) for her own personal and unauthorized use. Ms. Mayo accomplished this diversion by using another nurse’s login credentials to falsely document conducting inventory on the medications and then withdrawing the medications.
3. Ms. Mayo violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to mental illness and/or substance abuse, as evidenced by the following:
  - a. Since October 2015, Ms. Mayo has received treatment for opiate dependence at Right Path Treatment Center, Virginia Beach, Virginia.
  - b. On or about May 26, 2016, Ms. Mayo received treatment at EVMS Behavioral Health Services, Norfolk, Virginia, for recurrent, major depression; substance-abuse mood disorder; polysubstance abuse; and borderline personality disorder with narcissistic features.
  - c. Between or about May 31, 2015 and May 31, 2016, Ms. Mayo filled 39 prescriptions for controlled substances from eight different providers at 13 different pharmacies. The prescriptions included Suboxone (buprenorphine, C-III) and Zubsolv (buprenorphine/naloxone, C-III).

d. In June 2016, Ms. Mayo told an investigator for the Department of Health Professions that she had had trouble weaning off prescribed oxycodone and that she had abused cocaine in the past.

e. See Confidential Exhibit I.

4. Ms. Mayo violated Virginia Code § 54.1-3007(2) and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(c), effective February 24, 2017) in that between August 2016 and October 2016, Ms. Mayo forged and filled approximately eight prescriptions for Adderall using the name of her treating physician.

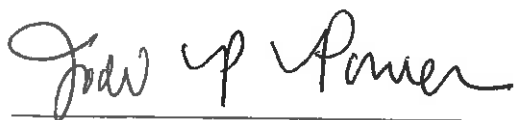
5. Ms. Mayo violated Virginia Code § 54.1-3007(4), as evidenced by the following:

a. On or about June 26, 2015, General District Court for the City of Chesapeake, Virginia, Ms. Mayo was convicted of one count of petit larceny, a misdemeanor crime of moral turpitude.

b. On or about October 30, 2015, in the General District Court for the City of Chesapeake, Ms. Mayo was convicted of one count of petit larceny and one count of obtaining money by false pretense, both crimes of moral turpitude.

c. On or about August 14, 2015, in the General District Court for the City of Chesapeake, Ms. Mayo was convicted of one count of petit larceny.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Mayo's health records or health services.



Jodi Power, R.N., J.D.  
Deputy Executive Director  
Virginia Board of Nursing

March 22, 2017  
Date