

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           JENNIFER LYNN LYON, R.N.**  
**a/k/a/ JENNIFER L. SMITH, R.N.**  
**LicenseNumber:   0001-203419**  
**Case Number:     172052**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on March 22, 2017, in Henrico County, Virginia, to inquire into evidence that Jennifer Lynn Lyon, R.N., may have violated certain laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

Jennifer Lynn Lyon, R.N., did not appear at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated March 7, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Lyon notifying her that a formal administrative hearing would be held on March 22, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The Notice sent by certified mail was returned to the Board office on March 22, 2017. The Notice sent by first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Lyon and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

### FINDINGS OF FACT

1. On August 28, 2006, the Board issued License Number 0001-203419 to Jennifer Lynn Lyon, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license expired on December 31, 2016. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. During the course of her employment with All About Care, Richmond, Virginia, in January 2016, Ms. Lyon diverted approximately 80 tablets of oxycodone (C-II) from the supply of Patient A for her own personal and unauthorized use.

3. Multiple attempts to reach Ms. Lyon for an interview with the investigator for the Department of Health Professions were made, but Ms. Lyon failed to respond. Ms. Lyon's former supervisor, Leslie Manis, RN, DON, testified that she too made several attempts to reach Ms. Lyon related to this incident, but Ms. Lyon failed to return her calls.

4. Ms. Lyon was terminated for consecutive absence without documentation, from All About Care.

5. Ms. Manis testified that there was an additional patient's family who reported missing narcotics the same day Ms. Lyon was in their home.

### CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-20-300(A)(2)(c) and (k) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c) and (k), effective February 24, 2017).

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The right of Jennifer Lynn Lyon, R.N., to renew her license to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Ms. Lyon will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Ms. Lyon seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Lyon to demonstrate that she is safe and competent to return to the practice of nursing. Ms. Lyon shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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.

FOR THE BOARD



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

ENTERED AND MAILED ON:

April 14<sup>th</sup> 2017

Certified True Copy

By draham  
Virginia Board Of Nursing

**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 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. 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.