

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LINDSAY BYRUM, C.N.A.
License Number: 1401-144553
Case Number: 164047

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Lindsay Byrum, C.N.A., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Ms. Byrum's certificate to practice as a nurse aide in the Commonwealth of Virginia.

NOTICE

By letter dated December 21, 2016, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Byrum notifying her that an formal administrative hearing would be held on January 23, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. On January 4, 2017, Ms. Byrum requested a continuance of the matter, which was granted on January 6, 2017. The proceeding was rescheduled for March 23, 2017.

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 AND CONCLUSIONS OF LAW

1. Lindsay Byrum, C.N.A., was issued Certificate Number 1401-144553 to practice as a nurse aide on May 17, 2011, which is scheduled to expire on May 31, 2017.
2. Ms. Byrum violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-25-100(2)(e) and (j) of the Regulations Governing Certified Nurse Aides in that on June 8, 2015, during

the course of her employment with Riverside Rehabilitation Center-Hampton, Hampton, Virginia, while providing care to Resident A, Ms. Byrum engaged in a personal video chat with a friend during which her friend was able to observe the resident's face and genital area.

3. Ms. Byrum's employment with Riverside Rehabilitation Center-Hampton was terminated as a result of this incident.

4. Ms. Byrum has not practiced as a certified nurse aide since January 2017. After completing an education program in medical assisting, she is currently employed as a medical assistant and does not plan to return to practice as a certified nurse aide. Therefore, Ms. Byrum wishes to voluntarily surrender her certificate to practice as a nurse aide in Virginia.

5. Finding of Fact and Conclusions of Law No. 2 constitute a Finding of Abuse pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

CONSENT

Lindsay Byrum, C.N.A., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my certificate except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to a formal administrative hearing before the Board; and the right to representation by counsel;
4. I waive my right to a formal hearing;

5. I neither admit nor deny the Findings of Fact and Conclusions of Law contained herein but waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my certification to practice as a nurse aide in the Commonwealth of Virginia.

ORDER

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

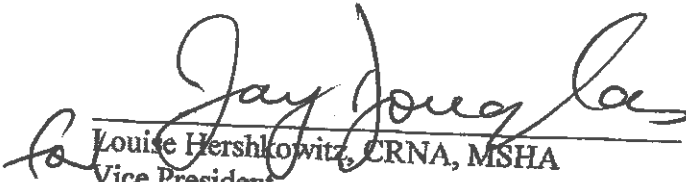
1. The Board accepts the VOLUNTARY SURRENDER for REVOCATION of Lindsay Byrum's certificate to practice as a nurse aide in the Commonwealth of Virginia.

2. A Finding of Abuse shall be ENTERED against Ms. Byrum in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Byrum's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

3. The certificate of Ms. Byrum will be recorded as REVOKED.

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

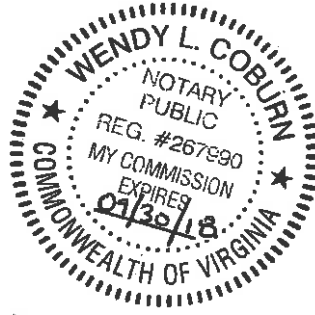

Louise Hershkowitz, CRNA, MSHA
Vice President
Virginia Board of Nursing

ENTERED: March 29th, 2017

Certified True Copy
By draham
Virginia Board Of Nursing

SEEN AND AGREED TO:

Lindsay Byrum
Lindsay Byrum, C.N.A.



COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Newport News, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
21st day of March, 2017.

[Signature]
Notary Public

My commission expires:

Sept. 30, 2018 2018

Registration No.:

267990