

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           JESSICA LYNN YAO, R.N. REINSTATEMENT APPLICANT**  
**License Number:   0001-257591**  
**Case Number:       180398**

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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 September 21, 2017, in Henrico County, Virginia, to receive and act upon Jessica Lynn Yao's application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

Jessica Lynn Yao, R.N., appeared at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated August 29, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Yao notifying her that a formal administrative hearing would be held on September 21, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

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 April 7, 2015, the Board issued License Number 0001-257591 to Jessica Lynn Yao, R.N., to practice professional nursing in the Commonwealth of Virginia. Her primary state of residence is New York.
2.     Said license was mandatorily suspended by Order of the Director of the Department of Health Professions on February 23, 2017 (“Department’s Order”). The Department’s Order was based

upon a finding that on October 12, 2016, Ms. Yao signed a Consent Order with the New York State Board of Nursing (“NY BON”), which suspended her license to practice professional nursing in the State of New York for a period of two years.

3. The Department’s Order was also based upon a finding that on March 24, 2015, in Monroe County Court, Rochester, New York, Ms. Yao was convicted of driving while intoxicated, a felony.

4. Ms. Yao submitted an application for reinstatement of said license on April 10, 2017.

5. On two occasions, on August 17, 2010 and on March 24, 2015, Ms. Yao was convicted of driving while intoxicated, in the Monroe County Court, Rochester, New York.

6. During an interview with an investigator from the Department of Health Professions, Ms. Yao indicated that she first began abusing alcohol after graduating from college.

7. Ms. Yao stated that she has been to treatment on three occasions for alcohol abuse. Ms. Yao was diagnosed by her treatment provider at Westfall Associates, Rochester, New York, with alcohol dependence on December 13, 2012, and with alcohol use disorder, severe, on June 24, 2014.

8. Although Ms. Yao successfully completed a 26-week alcohol treatment program at White Spruce Counseling, Rochester, New York, on December 28, 2015, she indicated that she does not attend AA, does not have a sponsor, and does not do the 12-Step program.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(7).
2. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(4).
3. Finding of Fact Nos. 5 through 8 constitute a violation of Virginia Code § 54.1-3007(6).

## ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the proceeding, effective upon entry of this Order, ORDERS that the license issued to Jessica Lynn Yao, R.N., to practice professional nursing in the Commonwealth of Virginia is REINSTATED and Ms. Yao shall be placed on PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Yao has completed probation with the NY BON.
2. Ms. Yao shall comply with the terms of her New York State probation. She shall ensure that the Probation Officer shall provide quarterly reports to the Board regarding her compliance with court-ordered probation or parole. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date this Order is entered, and subsequent reports due the last day of the months of March, June, September and December until Ms. Yao and the Probation Officer are notified, in writing, that the reporting requirement is ended. Ms. Yao shall provide the Board with a certified true copy of her final court order placed on record by the Court upon completion of her probation.
3. Ms. Yao shall comply with the terms and conditions of the Consent Order of the NY BON, dated October 12, 2016. Ms. Yao shall advise this Board in writing of any change in that order or in her status with the NY BON within 10 calendar days of such change. Ms. Yao shall authorize free communication between this Board and the NY BON. Ms. Yao shall provide a complete copy of this Order to the NY BON within 60 days of the entry of this Order and shall provide this Board with satisfactory evidence that she has done so within 10 days thereafter.

4. Ms. Yao shall submit “Self Reports” which include a current address, telephone number, email address, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self- Reports must be submitted whether Ms. Yao has current practice employment or not. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date of entry of the Order and subsequent reports due the last day of the months of March, June, September and December until Ms. Yao is notified, in writing, that the reporting requirement is ended. Ms. Yao shall notify the Board within 10 days, in writing, of any change in her address, telephone number, or e-mail address; changes in the location of her practice; additional practice locations; change in employment, including termination, suspension, separation, or other interruption in practice (including the name and address of any new employer and the date of employment); criminal charges or convictions.

5. Ms. Yao shall ensure that her therapist shall provide quarterly reports to the Board regarding Ms. Yao’s diagnosis; recommended course of therapy; progress in therapy; compliance with medication management; and a prognosis. Ms. Yao shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date this Order is entered, and subsequent reports due the last day of the months of March, June, September and December until Ms. Yao is notified, in writing, that the reporting requirement is ended.

6. The Board shall issue Ms. Yao a license marked “Valid in Virginia Only: Probation with Terms.”

7. Ms. Yao shall sign all required medical releases and authorization forms within 60 days of the date of entry of this Order allowing for unrestricted communication between and among the Board

and her therapist, her Probation Officer, the NY BON, and her current and future treating healthcare providers.

8. Ms. Yao shall bear any costs associated with the terms and conditions of this Order.

9. Ms. Yao shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

10. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

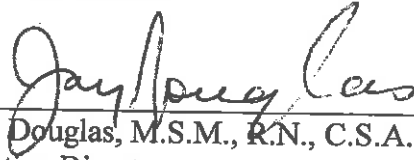
11. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Ms. Yao, and an administrative proceeding shall be held to determine whether to impose such action.

12. This Order shall remain in effect until the Board has notified Ms. Yao in writing that she is released from probation and all terms and conditions.

13. The Executive Director of the Board is authorized to issue an Order acknowledging satisfactory completion of the foregoing conditions or to refer the matter to an administrative proceeding for review of Ms. Yao's compliance with the foregoing conditions.

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

ENTERED AND MAILED ON:

October 6<sup>th</sup> 2017

**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.

Certified True Copy

By dpaham  
Virginia Board Of Nursing