

Certified True Copy

By *[Signature]*
Virginia Board Of Nursing



RECEIVED

FEB 27 2017

COMMONWEALTH of VIRGINIA VA BD OF NURSING

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

February 24, 2017

Jessica Lynn Yao, R.N.
180 Harvard Street
Apt 3
Rochester, NY 14607

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 2/24/17

RE: License Number: 0001-257591
Case Numbers: 178375, 178769

Dear Ms. Yao:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your license to practice professional nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered February 23, 2017. You are hereby advised that you may not practice professional nursing or hold yourself out as a licensed professional nurse unless and until the Board of Nursing has notified you in writing that your license has been reinstated. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your license, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at www.dhp.virginia.gov/Nursing.

If you have any questions about this matter, you can contact me at (804) 367-4474 or anne.joseph@dhp.virginia.gov.

Sincerely,

Anne Joseph

Anne Joseph, Deputy Director
Administrative Proceedings Division

cc: Jay P. Douglas, Executive Director, Board of Nursing
Enclosures

Board of Audiology & Speech-Language Pathology – Board of Counseling – Board of Dentistry – Board of Funeral Directors & Embalmers
Board of Long-Term Care Administrators – Board of Medicine – Board of Nursing – Board of Optometry – Board of Pharmacy
Board of Physical Therapy – Board of Psychology – Board of Social Work – Board of Veterinary Medicine
Board of Health Professions

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: JESSICA LYNN YAO, R.N.
License Number: 0001-257591
Case Numbers: 178375, 178769

ORDER OF MANDATORY SUSPENSION

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that Jessica Lynn Yao, R.N., consented to the suspension by the New York State Board for Nursing of her license to practice as a registered professional nurse in the State of New York and that Ms. Lao was convicted of a felony offense in the Monroe County, New York, Supreme and County Court, to wit: one count of felony driving while intoxicated. A certified copy of the Order of the New York State Board of Nursing is attached hereto as Commonwealth's Exhibit 1. A Certificate of Conviction from the Monroe County, New York, Clerk's Office is attached hereto as Commonwealth's Exhibit 2.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Jessica Lynn Yao, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Jessica Lynn Yao, R.N., will be recorded as suspended and no longer current and valid. Should Jessica Lynn Yao, R.N., seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Ms. Yao's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

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 or copying on request.



David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED:

2/23/17

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Order entered December 13, 2016, and the attached Certificate of Conviction regarding Jessica Lynn Yao, R.N., are true copies of the records received from the New York State Board for Nursing and the Monroe County, New York, Clerk's Office, respectively.



David E. Brown, D.C.

Date: 2/23/17



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12230

OFFICE OF THE PROFESSIONS
DIVISION OF PROFESSIONAL LICENSING SERVICES
Public Information Unit
Tel. (518) 474-3817 EXT: 330
Fax (518) 473-0578
E-mail: DPLSDSU@MAIL.NYSED.GOV

COMMONWEALTH'S
EXHIBIT
1
PENEGAD 800-631-6989

RECEIVED
FEB 06 2017
ENFORCEMENT

STATE OF NEW YORK)

SS:

COUNTY OF ALBANY)

In accordance with the **Civil Practice Law and Rules Article 45**, I, Cathy Hanczaryk, Principal Clerk in the Division of Professional Licensing Services of the New York State Education Department, have caused this certificate to be prepared. I certify that I have legal custody of the official original records of the Division of Professional Licensing Services and I attest that the attached are true, complete and correct copies of the original documents in our files relating to the licensure of JESSICA LYNN YAO.

Witness my hand and the seal of the New York State Education Department this 24 January, 2017.



Cathy Hanczaryk

Cathy Hanczaryk, Office Assistant 3
Professional Licensing Services

DATED
01/24/2017





The University of the State of New York

IN THE MATTER

OF

JESSICA LYNN YAO
(Registered Professional Nurse)

ORIGINAL
VOTE AND ORDER
NO. 29135

Upon the application of JESSICA LYNN YAO, under Calendar No. 29135, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (December 12-13, 2016): That the application of JESSICA LYNN YAO, respondent, for a consent order be granted; and that the Deputy Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

JESSICA LYNN YAO (29135)

IN WITNESS WHEREOF, I, Douglas E. Lentivech, Deputy Commissioner for the Professions, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand, at the City of Albany, this 13th day of December, 2016.



DOUGLAS E. LENTIVECH
DEPUTY COMMISSIONER
FOR THE PROFESSIONS

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X
IN THE MATTER

of the

Disciplinary Proceeding

against

JESSICA LYNN YAO

**APPLICATION FOR
CONSENT ORDER**

CAL. NO. 29135

who is currently licensed to practice
as a registered professional nurse in
the State of New York.
-----X

JESSICA LYNN YAO states:

That on or about August 7, 2012, I was licensed to practice as
a registered professional nurse in the State of New York, having
been issued license number 660484 by the New York State Education
Department.

I am currently registered with the New York State Education
Department to practice as a registered professional nurse in the
State of New York from an address at 180 Harvard Street, Apt. 3,
Rochester, New York 14607.

That I have been charged with one (1) specification of
professional misconduct, a copy of which is annexed hereto, made a
part hereof, and marked as Exhibit "A."

I do not contest the aforesaid specification of professional
misconduct, charging me with having been convicted of committing
an act constituting a crime under New York State law (Driving
While Intoxicated).

JESSICA LYNN YAO

I hereby agree to the penalty that my license to practice as a registered professional nurse be suspended for a period of two (2) years; that execution of the said suspension be stayed; that I be placed on probation for the aforesaid period of two (2) years, under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B"; and that I be fined the sum of five hundred dollars (\$500), said fine to be paid as set forth in the aforesaid terms of probation.

I hereby make this application to the Board of Regents and request that it be granted.

I understand that in the event that the Board of Regents denies the application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that in the event the Board of Regents grants my application, as set forth herein, an Order may be issued in accordance with the same. I understand that if and when the Board of Regents grants this application, the entire application shall become a matter of public record.

JESSICA LYNN YAO

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.


Respondent

EXHIBIT "A"

JESSICA LYNN YAO

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with having been convicted of committing an act constituting a crime under New York State law, within the meaning and purview of section 6509(5)(a)(i) of the Education Law of the State of New York, in that:

Respondent, on or about March 24, 2015, in the Monroe County Court, Rochester, New York, was convicted of Driving While Intoxicated, a class E felony, in violation of §1192(2) and §1193(1)(c)(i) of the New York Vehicle and Traffic law. Respondent was sentenced to five (5) years probation, thirty (30) days in custody, ignition interlock device, driver's license revocation for one (1) year, and a fine of one thousand dollars (\$1,000).

EXHIBIT "B"

TERMS OF PROBATION

JESSICA LYNN YAO

CALENDAR NO. 29135

1. That Respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing Respondent's profession;
2. That Respondent shall submit written notification to the New York State Education Department, addressed to the Director, Office of Professional Discipline, New York State Education Department, 1411 Broadway -- Tenth Floor, New York, New York 10018-3496, of any employment and/or practice, Respondent's residence, telephone number, or mailing address, and of any change in Respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
3. That Respondent shall, during the period of probation, abstain from unauthorized use of all drugs, remain free from alcohol abuse, and shall be fit to practice her profession;
4. That Respondent shall pay the five hundred (\$500) dollar fine imposed upon Respondent, by certified or bank cashier's check, made payable to the order of the New York State Education Department, to be delivered to the Director, Office of Professional Discipline, as aforesaid, within the first three (3) months of the period of probation;
5. That Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, no later than the first three months of the period of probation;
6. That Respondent shall submit written proof to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that

JESSICA LYNN YAO
CALENDAR NO. 29135

- 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board of Regents, said proof of the above to be submitted no later than the first three months of the period of probation;
7. That Respondent shall make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department, unless otherwise agreed to by said employee, for the purpose of said employee monitoring Respondent's terms of probation to assure compliance therewith, and Respondent shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
8. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Education Department may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents.

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X
IN THE MATTER

of the

Disciplinary Proceeding

against

JESSICA LYNN YAO

APPLICATION FOR
CONSENT ORDER

CAL. NO. 29135

who is currently licensed to practice
as a registered professional nurse in
the State of New York.
-----X

The undersigned agree to the above statement and to the
proposed penalty based on the terms and conditions thereof.

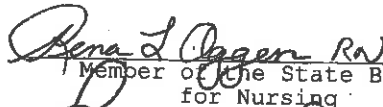
Dated: August 9, 2016


Respondent

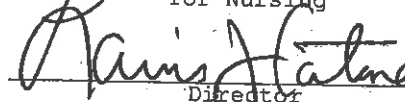
Dated: , 2016

ATTORNEY SIGNATURE NOT REQUIRED;
RESPONDENT APPEARED PRO SE

Dated: August 15, 2016


Member of the State Board
for Nursing

Dated: 9/16, 2016


Director
Office of Professional Discipline

The undersigned, a member of the Board of Regents who has
been designated by the Chairman of the Regents Committee on
Professional Practice to review this Application for a Consent
Order, has reviewed said Application and recommends to the Board
of Regents that the Application be granted.

Dated: 10/12, 2016


Member, Board of Regents

YL/ag



The University of the State of New York

X-----X

IN THE MATTER

OF

Jessica Lynn Yao

REGISTERED PROFESSIONAL NURSE

X-----X

STATE OF NEW YORK)
 SS.:
COUNTY OF ALBANY)

I, Michael Kinley, being duly sworn, deposes and says:

I am over the age of twenty-one years and am an employee of the New York State Education Department, Office of Professional Discipline, 80 Wolf Road, Suite 204, Albany, New York 12205-2643.

On the 05 day of January, 2017, I personally delivered to the Stuyvesant Plaza Post Office the Duplicate Original Vote of the Board of Regents and Order under Calendar No. 29135 and the Report of the Regents Review Committee or Application for Consent or Surrender, or Report of the designated Regent in a summary suspension proceeding as applicable, by Certified Mail - Return Receipt Requested to the respondent herein named at 180 Harvard Street Apt 3 Rochester, NY 14607.

Certified Mail Receipt No: 7015 1520 0001 2067 0456

The effective date of the Order being the 10 day of January, 2017.

Sworn to before me this
5th day of January, 2017

Connie F. Mitchell

CONNIE F. MITCHELL
Notary Public, State of New York
No.: 01M15018171
Qualified in Schoharie County
Commission Expires: 09/20/27

MONROE COUNTY CLERK'S OFFICE
ROCHESTER, NY

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

Return To:

Receipt # 1311294

Index CRIMINAL

Book Page

No. Pages : 2

Instrument CERTIFICATE OF CONVICTION

Date : 10/09/2015

Time : 01:39:51PM

Control # 201510090449

YAO, JESSICA LYNN

PEOPLE OF THE STATE OF NEW YORK

Index # I2014009187

Employee : JosieM

NO FEE \$ 0.00

Total \$ 0.00

State of New York

MONROE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

CHERYL DINOLFO
MONROE COUNTY CLERK



05-18-2015

STATE OF NEW YORK - COUNTY OF MONROE
SUPREME AND COUNTY COURT - CERTIFICATE OF CONVICTION

JESSICA L YAO
IND # 2014-0767

DOB

INDEX # 2014/009187
NYSID # 01332867H

FILED 08-13-2014

Hon. Douglas A. Randall

Court Reporter: PATRICIA N. STOVER

ORIGINAL OFFENSE # 1: DWI-PREV CONVICTION IN 1/1 ct(s) VTL-1192.3-03 -EP-
OCCURRING ON OR ABOUT: 06-10-2014 CJTN(501): 66654715R
AGENCY: State Police - Rochester ARREST: 06-10-2014
Disposition: SATISFIED BY PLEA TO CHARGE 2 03-24-2015

ORIGINAL OFFENSE # 2: OPER MV BAC .08 OF 1% -P/1 ct(s) VTL-1192.2-02 -EP-
OCCURRING ON OR ABOUT: 06-10-2014 CJTN(501): 66654715R
AGENCY: State Police - Rochester ARREST: 06-10-2014
Disposition: PLED GUILTY 03-24-2015
Sentenced: 05-12-2015 5 Years Probation
Custody/Time: 30D, 60M / CUSTODY & IGNITION INTERLOCK DEVICE
Fine: 1000.00 Driver's License Revoked for 1Y

NON VIOLENT FELONY OFFENDER

CLERK AT SENTENCE - Rhonda G. Beck

Clerk's Initials

RGB

Mandatory Surcharge: \$ 300.00

CVA Fee: \$ 25.00

Supplemental Fee: \$25.00

Additional Surcharge: \$170.00

Remarks: SCRAM; VICTIM IMPACT PANEL;

I certify that this document reflects a true and accurate record of the above defendant.

Charles D. [Signature]
County Clerk

715 OCT -9 11:12:47