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**BEFORE THE VIRGINIA BOARD OF NURSING**

**APR 29 2016**

**IN RE: ELVA FREEMAN MYERS, L.P.N.**  
**License Number: 0002-041486**  
**Case Number: 168836**

**VA BD OF NURSING**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Nursing ("Board") and Elva Freeman Myers, L.P.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Myers license to practice as a practical nurse in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Elva Freeman Myers, L.P.N. was issued License Number 0002-041486 to practice as a practical nurse on May 19, 1989, which is scheduled to expire on May 31, 2017. Her primary state of residence is Virginia.
2. Ms. Myers violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300A(2)(e) and (m) of the Regulations Governing the Practice of Nursing in that, on July 10, 2015, during the course of her employment with Interim HealthCare, Newport News, Virginia ("Interim") and Hope in Home Care, Gloucester, Virginia ("HHC"), she submitted falsified timesheets and patient flow sheets for the dates of July 6, 7 and 8, 2015 to her employer, Interim. In the course of submitting her Interim timesheets and patient flow sheets to Interim, Ms. Myers also inadvertently submitted her HHC timesheets and patient flow sheets to Interim. The timesheets and flow sheets submitted to Interim indicated that Ms. Myers falsified the hours that she worked for HHC for the above-mentioned dates. Specifically:

a. Ms. Myers was scheduled to work the 9 p.m. to 5 a.m. shift at Interim on July 6, 7 and 8, 2015. Ms. Myers was scheduled to work the 4 p.m. to 12 a.m. shift with HHC on July 6, 7 and 8, 2015.

b. Ms. Myers documented on her timesheets that she worked for Interim from 9 p.m. to 5 a.m. on July 6, 7 and 8, 2015. Ms. Myers documented on her HHC timesheets dated July 6, 7 and 8, 2015 that she worked from 4 p.m. to 12 a.m. each day.

c. Similarly, on the Interim patient flow sheet for July 6, 7 and 8, 2015, Ms. Myers documented she worked from 9 p.m. to 5 a.m. The flow sheet contains detailed notes as to each step of care that was administered to the patient and is signed and initialed by Ms. Myers. Ms. Myers documented on the HHC patient flow sheets that she worked from 4 p.m. to 12 a.m. The narrative for each step of care was initialed by Ms. Myers and the flowsheet was signed by the patient's guardian.

3. On October 30, 2015, in an interview with an investigator for the Department of Health Professions, Ms. Myers admitted that the hours she worked for HHC were not accurately reflected in her timesheets and nursing notes. Ms. Myers explained that she always reflected that she worked 4 p.m. to 12 a.m. for HHC no matter what her actual work hours were to prevent confusion on the part of the bookkeeper. Ms. Myers stated that the nursing notes accurately reflected the work that was done, just not the correct times that the work was done.

4. On November 9, 2015 the investigator interviewed the Administrator for HHC's Personal Care Division, who advised that although any changes to assigned schedules should be made with approval by HHC, she was aware that staff and their patients may arrange or agree to different work hours without involving the agency.

5. No patient harm was reported to have occurred as a result of Ms. Myers' actions.

6. As a result of the above incidents, Ms. Myers' employment with Interim was terminated on July 24, 2015.

### CONSENT

Elva Freeman Myers, L.P.N., 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 license 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 an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive all right to an informal conference;
5. I admit to the Findings of Fact and Conclusion of Law contained herein and 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 right to practice as a practical nurse 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. Elva Freeman Myers, L.P.N. is REPRIMANDED.
2. Elva Freeman Myers, L.P.N. shall comply with all laws and regulations governing the practice of 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 and copying upon request.

FOR THE BOARD

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

ENTERED: May 4, 2016

SEEN AND AGREED TO:

  
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Elva Freeman Myers, L.P.N.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Gloucester, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 25<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
Notary Public

My commission expires: 6-30-19

Registration No.: 326696

**Certified True Copy**

By:   
\_\_\_\_\_  
Virginia Board of Nursing

**SUSAN H. JONES**  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JUNE 30, 2019  
COMMISSION # 326696