

VIRGINIA:

BEFORE THE BOARD OF NURSING

RE: ELVA D. MYERS

ORDER

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended (the "Code"), a formal administrative hearing was held before a panel of the Board of Nursing (the "Board") on November 20, 2003, in Henrico County, Virginia, to hear the petition of Elva D. Myers for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia, and to receive and act upon evidence that she may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was presented by John K. Dickinson, Senior Adjudication Analyst, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Myers was present and was not represented by counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Elva D. Myers previously held license No. 0002-041486 to practice practical nursing in the Commonwealth of Virginia. Said license was manditorily suspended pursuant to § 54.1-2409 of the Code on May 26, 1998 based upon her conviction on March 23, 1998 in the Middlesex Circuit Court of two felonies, possessing a controlled substance, cocaine and possessing a firearm while in possession of a controlled substance.
2. Ms. Myers submitted false information on applications for renewal of her license to

Elva D. Myers

practice nursing in the state of Maryland and for employment at various facilities. Specifically:

a. On April 6, 1998; March 14, 2000; and March 21, 2001, she falsified applications for renewal of her license to practice nursing in the state of Maryland, indicating that she had not had any felony convictions, and that no action had been taken against her license in another state, when, in fact Ms. Myers was convicted of two felonies in the Circuit Court of the County of Middlesex, Saluda, Virginia, on March 23, 1998, and her license to practice nursing in Virginia was suspended by the Department of Health Professions on May 26, 1998. Ms. Myers is currently subject to disciplinary action by the Maryland Board of Nursing as a result of these false statements.

b. She falsified applications for employment, indicating that she had no criminal convictions, at the following facilities:

- i. La Plata Center Genesis Eldercare, La Plata, Maryland, on March 6, 2001;
- ii. St. Mary's Nursing Center, Leonardtown, Maryland, on May 22, 2001, resulting in the termination Ms. Myers' employment on July 13, 2001;
- iii. Solomons Nursing Center, Solomons, Maryland, on May 21, 2001;
- iv. Waldorf Healthcare Center, Waldorf, Maryland, on February 7, 2002; and
- v. Convalescent Center of Halifax, Weldon, North Carolina, on or about January 8, 2003;

when, in fact, Ms. Myers was convicted of two felonies in the Circuit Court of the County of Middlesex, Saluda, Virginia, on March 23, 1998.

c. Ms. Myers falsified her application for employment at Charlotte Hall Veterans Home, Charlotte Hall, Maryland, on August 7, 2003, by indicating that she had never had a

Elva D. Myers

license suspended or revoked, when in fact, her license to practice nursing in Virginia was suspended by the Department of Health Professions on May 26, 1998.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2) of the Code, and 18 VAC 90-20-300(A)(1)(b) and (2)(e) of the Board of Nursing Regulations.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing hereby ORDERS that the petition of Elva D. Myers for reinstatement of her license to practice practical nursing be DENIED.

Pursuant to § 2.2-4023 of the Code of Virginia (1950), as amended, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

Consistent with the terms of this Order, in the event that Elva D. Myers seeks reinstatement of her license, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Myers has thirty (30) days from the service date in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230-1712. The service date shall be defined as the date Ms. Myers actually received this decision or the date it was mailed to her, whichever

Elva D. Myers

occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

FOR THE BOARD

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

December 15<sup>th</sup>, 2003  
ENTERED

Elva D. Myers

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Elva D. Myers, at Box 304, Hartfield, Virginia 23071.

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

December 15<sup>th</sup> 2003  
DATE

Certified True Copy  
By B 12/15/03  
Virginia Board of Nursing