



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.state.va.us/
TEL (804) 662-9900
FAX (804) 662-9943
TDD (804) 662-7197

Virginia Board of Nursing
Jay P. Douglas, RN, MSM, CSAC
Executive Director

November 12, 2003

Board of Nursing (804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9512

Elva D. Myers, L.P.N.(Reinstatement)
Box 304
Hartfield, Virginia 23071

CERTIFIED MAIL
71603901984423167124

**RE: Notice of Formal Hearing
November 20, 2003, at 10:00 a.m.**

Dear Ms. Myers:

Enclosed please find a Notice of Hearing which is scheduled for **November 20, 2003, at 10:00 a.m.** at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. Arrangements should be made for you to be there at 9:45 a.m.

You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. Should you wish to subpoena witnesses, requests for subpoenas must be made in writing in accordance with the enclosed Instructions for Requesting Subpoenas.

You have the right to have a copy of the investigative report and supporting documents which may be used as evidence at your hearing. Please be advised that these documents have been forwarded to you under same cover via certified mail.

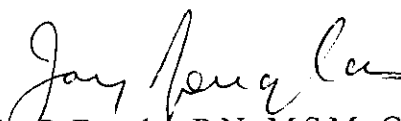
Prior to the hearing, it is the Board's intention to distribute these documents to the members of the Board who will conduct the hearing. If you have any objections to the materials, please contact John K. Dickinson, Senior Adjudication Analyst at (804) 662-7024 before **November 18, 2003**. If you do not object to this proposed distribution before **November 18th**, the Board will assume that you have no objection to the Board member's prior review of the documents. Failure to object to the distribution prior to the hearing will not affect your right to contest any information contained in these documents at the hearing.

Please advise us whether or not you plan to be present for the hearing no later than **November 18th**. If you should have any questions, please contact us at the above number.

Virginia Board of Nursing 1903 – 2003
Regulating Nursing – Protecting The Public

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

Sincerely,



Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director

Enclosures

cc: Members, Board of Nursing
Robert A. Nebiker, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Emily O. Wingfield, Assistant Attorney General
John K. Dickinson, Senior Adjudication Analyst
Kim Lynch, Investigator, Division of Enforcement (92645)
Donna P. Whitney, L.P.N., C.S.A.C, Intervention Program Manager
Heather Johnson, Legal Assistant, Office of the Attorney General

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ELVA D. MYERS

NOTICE OF HEARING

Pursuant to § 2.2-4020, § 2.2-4021 and § 54.1-110 of the Code of Virginia (1950), as amended, ("the Code"), you are hereby given notice that, pursuant to § 2.2-4024 (F), a hearing will be held in the presence of the Board of Nursing ("the Board"). The hearing will be held at 10:00 a.m., on November 20, 2003, at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia, at which time you will be afforded the opportunity to be heard in person or by counsel.

At the hearing you have the following rights, among others: the right to representation by counsel, the right to have witnesses subpoenaed and to present witnesses on your behalf, the right to present documentary evidence and the right to cross-examine adverse witnesses. If you desire any witnesses to appear on your behalf, notify the Director, Administrative Proceedings Division, 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1712, in accordance with the Instructions for Requesting subpoenas.

The purpose of the hearing is to act upon your application for reinstatement of your license to practice nursing in the Commonwealth, which was mandatorily suspended by the Department of Health Professions on May 26, 1998, pursuant to § 54.1-2409 of the Code of Virginia, due to your conviction by the Circuit Court of the County of Middlesex, Saluda, Virginia, on March 23, 1998, of one (1) count of possession of a controlled substance, and one (1) count of possession of a firearm while in possession of a controlled substance, both felonies. Said convictions may constitute a violation of § 54.1-3007(4) of the Code of Virginia (1950), as amended.

Please take notice that upon the introduction of evidence relating to your competency and fitness to practice as a practical nurse, the Board may also receive and act upon evidence that you may have violated certain laws and regulations governing the practice of nursing in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges:

1. Elva D. Myers may have violated § 54.1-3007(2) and (5) of the Code, and 18 VAC 90-20-300(A) (1) (b) and (2) (e) of the Board of Nursing Regulations, in that:

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

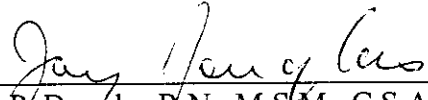
v. Convalescent Center of Halifax, Weldon, North Carolina, on or about January 8, 2003;

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 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

2. Ms. Myers may have violated § 54.1-3007(6) of the Code, in that on May 20, 1998, she tested positive for cocaine use while serving her sentence for felony cocaine possession.

FOR THE BOARD


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

Entered: November 17th, 2003