

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:                   TERRI MALLORY, L.P.N. REINSTATEMENT APPLICANT**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on December 16, 2009 in Henrico County, Virginia, to receive and act upon Terri Mallory’s application for reinstatement of her license to practice practical nursing in Virginia and to inquire into evidence that Ms. Mallory may have violated certain laws and regulations governing nursing practice. Ms. Mallory was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Terri Mallory was issued License No. 0002-047693 to practice practical nursing in the Commonwealth of Virginia on May 24, 1993. Said license was revoked by Order of the Board entered on August 6, 1998.
2. Ms. Mallory submitted an application for reinstatement of her license to practice practical nursing, which was received by the Board on October 23, 2009.
3. Ms. Mallory is unable to safely practice nursing without monitoring, due to her history of substance abuse, which she acknowledged at the informal conference.
4. Ms. Mallory stated at the informal conference that her sobriety date was May 31, 2007. She attends NA and AA and has a sponsor.

5. Ms. Mallory provided proof that she had entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") on December 7, 2009.

### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Based on the above Findings of Fact, the Committee concludes that Terri Mallory is properly enrolled in the HPMP.
3. Ms. Mallory otherwise meets the requirements for reinstatement of her license to practice practical nursing.

### **ORDER**

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The license of Terri Mallory to practice practical nursing is hereby REINSTATED, contingent upon her continued compliance with all terms and conditions of the Recovery Monitoring Contract ("Contract") with the HPMP for the period specified in the Contract.
2. This order shall be applicable to Ms. Mallory's multistate licensure privilege, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Mallory shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Terri Mallory, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Mallory shall be noticed to appear before the Board at such time as the Board is notified that:

a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

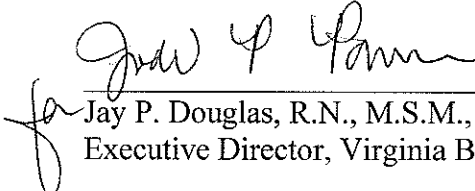
b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Mallory's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Mallory's appearance before the Board and conduct an administrative review of this matter.

4. Ms. Mallory shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, 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.

FOR THE COMMITTEE

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

ENTERED: December 23, 2009

**NOTICE OF RIGHT TO FORMAL HEARING**

If you do not consent to the Committee’s decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.