

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**MARY E. NEARY, R.N.**

**NOTICE OF HEARING**

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Mary E. Neary, R.N., who holds License No. 0001-133648, which expires on May 31, 2012, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on January 26, 2011, at 1:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Neary will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Neary has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Neary desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Ms. Neary may have violated certain laws and regulations governing the practice of professional nursing in Virginia and certain terms of a Consent Order of the Board of Nursing (“Board”) entered February 10, 2009 (“Consent Order”), as more fully set out in the Statement of Particulars, below.

**STATEMENT OF PARTICULARS**

The Board alleges that:

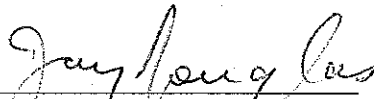
1. Ms. Neary may have violated § 54.1-3007(2), (5) and (8) of the Code, 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (“Regulations”), and Term No. 1(i) of the Consent Order, which required her to conduct herself as a professional nurse in compliance with the requirements of Title 54.1, chapter 30 of the Code and the Board of Nursing Regulations. Specifically, during the course of her employment with the University of Virginia Health System (“UVA”), Charlottesville, Virginia, on or about February 15, 2010, Patient A, a four-month old infant with traumatic brain injury, was readmitted to the Pediatric Intensive Care Unit. Ms. Neary allowed Patient A’s father to stay in the room all night, unattended, in violation of a court order, and after being informed by the outgoing nurse that Patient A’s parents could not visit unless supervised by the primary caregivers. Further, by her own admission, Ms. Neary did not read Patient A’s medical record, which specified the parents’ visitation privileges, and Ms. Neary gave Patient A’s father a “care partner” armband, which provided him with additional hospital access.

2. Ms. Neary may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on her application for employment with UVA, dated July 11, 2008, she failed to disclose her employment at American Mobile Travel Nurse Agency and Hospice of Virginia and her reasons for leaving.

3. Ms. Neary may have violated Term No. 1(b) of the Consent Order, which required her to inform the Board in writing within ten days if any interruption in nursing practice occurs, in that she did not provide the Board written notification of her February 24, 2010, termination from UVA until March 25, 2010.

4. Ms. Neary may have violated Term No. 1(h) of the Consent Order, which required her to return all copies of her license to practice professional nursing to the Board office within ten days of the date of entry of the Order, in that she failed to do so.

FOR THE BOARD



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

ENTERED:

January 7<sup>th</sup>, 2011