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VA BD OF NURSING

BEFORE THE BOARD OF NURSING

IN RE: LYNETTE PRIES, L.P.N. APPLICANT

CONSENT ORDER

By letter dated May 22, 2013 the Board noticed Lynette Pries for an informal conference. In lieu of proceeding to an informal conference, the Board and Ms. Pries, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the application of Ms. Pries for licensure by endorsement to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Lynette Pries submitted an application for licensure by endorsement as a practical nurse that was received by the Board on January 4, 2013. Ms. Pries holds a license to practice practical nursing in North Carolina that is currently active. She holds a license to practice practical nursing in Ohio that is currently expired. Ms. Pries' primary state of residence is Virginia.

2. On August 5, 2008, Ms. Pries was convicted of operating a vehicle while intoxicated in the Massillon Municipal Court, Stark County, Ohio.

3. Ms. Pries attended Phoenix Rising Behavioral Healthcare and Recovery, Canton, Ohio, in November, 2008. Her discharge diagnosis included major depression and a history of alcohol abuse and marijuana abuse.

4. By Order dated November 19, 2010, the Arizona Board of Nursing ("Arizona Board") denied Ms. Pries' application for licensure as a practical nurse based on Ms. Pries' failure to obtain a relapse/recovery evaluation by a Board-approved psychologist within 45 days of the Arizona Board's vote to continue the case, which occurred on November 19, 2009.

5. On her application for licensure by endorsement as a practical nurse, Ms. Pries answered “NO” to the question “Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing?” when in fact, Ms. Pries suffers from a mental and chemical dependency condition that could interfere with her ability to practice practical nursing as indicated in Findings of Fact Nos. 3 and 4 above.

6. In a letter dated April 8, 2013, Ms. Pries stated that her date of sobriety is June 20, 2008.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2 and 3 constitute a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(7) of the Code.
3. Finding of Fact No. 5 constitutes a violation § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing.
4. Ms. Pries otherwise meets the requirements of § 54.1-3020 of the Code.

CONSENT

Lynette Pries, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;

5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her application for licensure to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The application of Lynette Pries for licensure by endorsement as a practical nurse is hereby APPROVED contingent upon receiving proof of her entering the Health Practitioners' Monitoring Program ("HPMP"). Thereafter, Ms. Pries shall comply with all terms and conditions for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Pries, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Pries shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Pries 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 Ms. Pries involving a violation of law or regulation or any term or condition of this Order; or

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

3. This Order is applicable to Ms. Pries' multistate licensure privileges, if any, to practice as a practical nurse. For the duration of this Order, Ms. Pries shall not work outside of 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 Ms. Pries wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Pries 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 upon request.

FOR THE BOARD

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

ENTERED: _____

Jay P. Douglas
June 17TH, 2013

SEEN AND AGREED TO:

Lynette Pries
Lynette Pries

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

Subscribed and sworn to before me, Sharen Brazil, a Notary Public, this 10th day of June, 2013.

My commission expires 8/31/2015.

Registration Number 274973.

SHAREN BRAZIL
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #274973
My Commission Expires Aug. 31, 2015

Sharen Brazil
NOTARY PUBLIC

Certified True Copy

By [Signature]
Virginia Board Of Nursing