

VIRGINIA:

BEFORE THE COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

**IN RE: MARY COOK OVERBY, L.N.P.
L.N.P. License No.: 0024-168989
Authorization to Prescribe License No.: 0017-139843**

CONSENT ORDER

The Virginia Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") and Mary Cook Overby, L.N.P., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Overby's license to practice as a nurse practitioner in Virginia.

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

FINDINGS OF FACT

1. Mary Cook Overby, L.N.P., was issued License No. 0024-168989 by the Committee of the Joint Boards of Nursing and Medicine to practice as a nurse practitioner in the category of family care in the Commonwealth of Virginia on September 7, 2010. She was also issued Authority to Prescribe No. 0017-139843 on September 21, 2010. Ms. Overby also holds License No. 0001-186182, issued by the Virginia Board of Nursing to practice as a professional nurse. Each license is currently active and will expire on July 31, 2016.

2. During the course of her employment with Sentara Internal Medicine, Williamsburg, Virginia, Ms. Overby prescribed medications to, and wrote a medical work excuse for, her significant other, Individual A, who was not a patient of the practice, as evidenced by the following:

a. On September 1, 2013, Ms. Overby wrote two prescriptions for Individual A, including Percocet 5/325 mg. and Augmentin 875/125mg. Ms. Overby indicated Individual A needed the

medication to treat an abscessed tooth and that he did not have medical/dental benefits at the time. Ms. Overby arranged for follow-up care by a dentist, who saw Individual A less than two weeks later.

b. On October 12, 2013, Ms. Overby wrote a prescription for Zoloft 100 mg, 90 tablets, one tablet daily, for Individual A. Ms. Overby indicated that at the time Individual A expressed that he was experiencing an acute recurrence of symptoms associated with depression. Additionally, Ms. Overby indicated that she only wrote the prescription as a last resort because Individual A was without health insurance and he could not obtain an appointment with the local Community Services Board for a few months.

c. On October 14, 2013, Ms. Overby wrote a medical related work excuse, on a prescription pad, to excuse Individual A from work until October 21, 2013, due to illness.

3. On April 29, 2014, Ms. Overby completed the following continuing education courses: *Controlled Substance Prescribing: Risks in Managing and Terminating the Physician-Patient Relationship* and *Documentation: Electronic Medical Records*.

CONCLUSIONS OF LAW

Findings of Fact Nos. 2(a), (b) and (c) constitute a violation of §§54.1-3007(2) and (5), §54.1-3303, and §54.1-3408 of the Code of Virginia, (1950) as amended (“Code”), 18 VAC 90-30-220(4) and (6) of the Regulations Governing the Licensure of Nurse Practitioners and 18 VAC 90-40-130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners.

CONSENT

Mary Cook Overby, L.N.P., 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 Committee of the Joint Boards, 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 Committee of the Joint Boards;

6. She consents to the entry of the following Order affecting her right to practice as a nurse practitioner in Virginia.

ORDER

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

1. Mary Cook Overby, L.N.P., is hereby REPRIMANDED.

2. Ms. Overby shall maintain a course of conduct in her capacity as a nurse practitioner commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Committee of the Joint Boards of Nursing and Medicine 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 COMMITTEE OF THE JOINT BOARDS:

Gloria Mitchell-Lundy
for Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: March 19, 2015

SEEN AND AGREED TO:

MCO
Mary Cook Overby, L.N.P.

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

Subscribed and sworn to before me, Volha Briatnitsky-Fronk, a Notary Public, this 10 day of March, 2015.

My commission expires 2-29-2016

Registration Number 7526308

**VOLHA BRIATNITSKY-FRONK
NOTARY PUBLIC 7526308
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 2-29-2016**

Volha Briatnitsky-Fronk
NOTARY PUBLIC

Certified True Copy

By [Signature]
Virginia Board of Nursing