

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIMBERLY L. DYER, L.P.N.
License No.: 0002-038019

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on July 2, 2014, in Henrico County, Virginia. Kimberly Dyer, L.P.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Dyer was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Kimberly L. Dyer, L.P.N., was issued License No. 0002-038019 to practice practical nursing in Virginia on November 20, 1986. The license expired on April 30, 2014. Ms. Dyer's primary state of residence is Virginia.

2. By letter dated June 10, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Dyer notifying her that an informal conference would be held on July 2, 2014. The Notice was sent by certified and first class mail to 5042 McDonald Road, Scottsburg, Virginia, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was not returned to the Board office. The Notice sent via first-class mail was not returned to the Board office.

The Agency Subordinate concluded that adequate notice was provided to Ms. Dyer and the informal conference proceeded in her absence.

3. By Consent Order of the Board entered on January 29, 2013 (“Board’s Order”), the Board took no action against Ms. Dyer. Term No. 1 of the Board’s Order made this disposition contingent upon Ms. Dyer’s continued compliance with the Health Practitioners’ Monitoring Program (“HPMP”), which she had entered on July 5, 2012. Said action was due to findings that Ms. Dyer had a recent history of alcohol and benzodiazepine abuse, and multiple suicide attempts. Ms. Dyer had also been convicted of public swearing and intoxication.

4. On July 19, 2013, Ms. Dyer was dismissed from the HPMP for failing to comply with the toxicology screening program. She stated that she stopped submitting to the urine drug screens because she could not afford the tests.

5. Ms. Dyer reported her date of sobriety as April 16, 2012. However, when she was admitted to the Southern Virginia Mental Health Institute on May 21, 2012, her blood alcohol content was 0.15.

6. Ms. Dyer is currently receiving disability benefits related to a diagnosis of bipolar disorder. Ms. Dyer also stated that she has a history of blackouts and seizures.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 1 of the Board’s Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Ms. Dyer is hereby REPRIMANDED.
2. The right of Kimberly Dyer, L.P.N., to renew License No. 0002-038019 is

INDEFINITELY SUSPENDED.

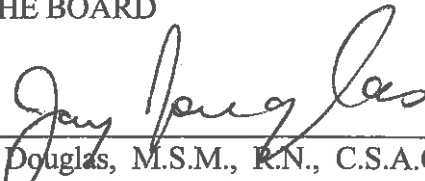
3. The license will be recorded as suspended and no longer current.

4. At such time as Ms. Dyer shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Dyer shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

5. This suspension applies to any multistate privilege to practice nursing.

Since Ms. Dyer failed to appear at the informal conference, this Order shall be considered final. Ms. Dyer has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Dyer has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Entered: October 3rd, 2014

Certified True Copy

By 
Virginia Board of Nursing