



VIRGINIA:

BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE:

KIMBERLY L. DYER, L.P.N.

License No.: 0002-038019

AMENDED CONSENT ORDER

The Virginia Board of Nursing ("Board") and Kimberly L. Dyer, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Dyer's license to practice practical nursing in Virginia.

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

FINDINGS OF FACT

1. Kimberly L. Dyer, L.P.N., was issued License No. 0002-038019 to practice practical nursing by the Virginia Board of Nursing on November 20, 1986. Said license is set to expire on April 30, 2014. Ms. Dyer's primary state of residence is Virginia.
2. Ms. Dyer has a recent history of alcohol and benzodiazepine abuse. She also has a recent history of multiple suicide attempts.
3. On March 16, 2012, Ms. Dyer was convicted of public swearing and intoxication in the Halifax County, Virginia, General District Court.
4. On July 5, 2012, Ms. Dyer signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP").

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended "(Code)".
2. Based on the above Findings of Fact, Ms. Dyer is properly enrolled in the HPMP.

CONSENT

Kimberly L. Dyer, L.P.N., 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 right 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 Board shall TAKE NO ACTION at this time contingent on Kimberly L. Dyer's continued compliance with all terms and conditions of the HPMP 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. Dyer to practice practical nursing, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Dyer shall be noticed to appear before the Board at such time as the Board is notified that:

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

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

3. This Order is applicable to Ms. Dyer's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Dyer 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. Dyer wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Dyer 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:

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

ENTERED: January 29, 2013

SEEN AND AGREED TO:

Kimberly L. Dyer, L.P.N.
Kimberly L. Dyer, L.P.N.

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

Subscribed and sworn to before me, Melissa R. Waddle, a Notary Public, this 14th day of January, 2012. 2013.

My commission expires 5/31/16

Registration Number 7120928

Melissa R. Waddle
NOTARY PUBLIC

MELISSA R. WADDLE
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7170928
My Commission Expires 5/31/16

Certified True Copy

By [Signature]
Virginia Board of Nursing