

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

TERESA G. OVERBY, R.N.

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on March 16, 2009, in Henrico County, Virginia, to receive and act upon Teresa G. Overby's application for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by Order of the Department of Health Professions on August 15, 2008. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Ishneila G. Moore, Assistant Attorney General, was present as legal counsel for the Board. Ms. Overby was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Teresa G. Overby, R.N., was issued License No. 0001-154647 to practice professional nursing in the Commonwealth of Virginia on July 14, 1997. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on August 15, 2008.
2. Ms. Overby submitted an application for reinstatement of her license to the Board on December 1, 2008.
3. On July 26, 2008, in the Circuit Court for the City of Lynchburg, Virginia, Teresa G. Overby, R.N., was convicted of felony driving under the influence, 3rd offense within ten years.
4. Ms. Overby testified that while she believes that she does not have a substance abuse problem, she is willing to attend substance abuse counseling. Ms. Overby attended Alcoholics Anonymous,

but she did not have a sobriety date and states that she continues to drink alcohol.

5. Ms. Overby is on court ordered probation with random urine screenings until October 10, 2010.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) and (6) of the Code.
2. Ms. Overby is a candidate for participation in the Virginia Health Practitioners' Intervention Program ("HPIP").

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-154647, issued to Teresa Overby to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED, contingent upon the following terms and conditions:
 - a. Prior to the reinstatement of her license, Ms. Overby shall enter into the HPIP, pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPIP, and shall have proof of entry into a Recovery Monitoring Contract with the HPIP provided to the Board.
 - b. Thereafter, Ms. Overby shall comply with all terms and conditions of the HPIP for the period specified in the HPIP.
 - c. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Overby, and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Overby shall be noticed to appear before the Board at such time:

i. Ms. Overby is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

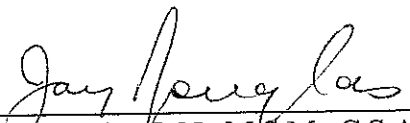
2. Upon receipt of evidence of Ms. Overby's participation in and successful completion of the terms specified by the HPIP, the Board, at its discretion, may waive Ms. Overby's appearance before the Board, and conduct an administrative review of this matter.

3. This Order shall be applicable to Ms. Overby's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Overby may 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 she wishes to work.

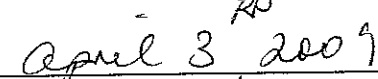
4. Upon licensure, Ms. Overby shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 on request.

FOR THE BOARD



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



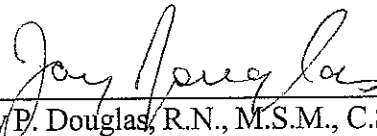
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NOTICE OF RIGHT TO APPEAL

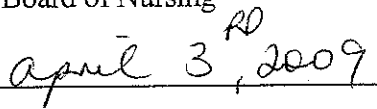
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to Teresa G. Overby, R.N., at 3212 Leslie Street, Lynchburg, Virginia 24501.



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



DATE