



COMMONWEALTH of VIRGINIA

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

RECEIVED
AUG 19 2008

VA BD OF NURSING
www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

Sandra Whitley Ryals
Director

August 15, 2008

Teresa Gail Overby
3212 Leslie Street
Lynchburg, VA 24501

CERTIFIED MAIL

RE: License No.: 0001-154647

DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 8/15/08

Dear Ms. Overby:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered August 15, 2008. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Sandra Whitley Ryals, Director
Department of Health Professions

cc: Joseph A. Sanzone, Esquire
Enclosures
Case #121355

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: TERESA GAIL OVERBY, R.N.
License No.: 0001-154647

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Sandra Whitley Ryals, Director of the Virginia Department of Health Professions, received and acted upon evidence that Teresa Gail Overby, R.N., was convicted of a felony charge in the Circuit Court of the City of Lynchburg for the Commonwealth of Virginia, to wit: One (1) Count of Driving While Intoxicated, 3rd Offense Within 10 Years. A certified copy of the Sentencing Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Teresa Gail Overby, R.N., to practice as a professional nurse in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Teresa Gail Overby, R.N., will be recorded as suspended and no longer current. Should Ms. Overby seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.


Sandra Whitley Ryals, Director
Department of Health Professions

ENTERED: August 15, 2008



COMMONWEALTH of VIRGINIA

Department of Health Professions

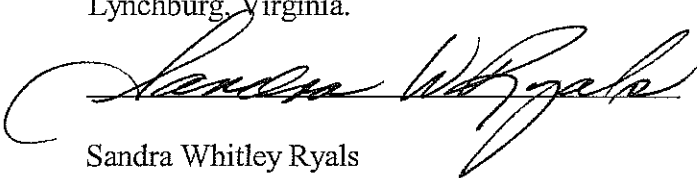
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

Sandra Whitley Ryals
Director

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FAX (804) 527- 4475

CERTIFICATION OF DUPLICATE RECORDS

I, Sandra Whitley Ryals, Director of the Department of Health Professions, hereby certify that the attached Sentencing Order dated July 29, 2008, regarding Teresa Gail Overby, R.N., are true copies of the records received from the Circuit Court for the City of Lynchburg, Virginia.


Sandra Whitley Ryals

Date: 

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

FIPS CODE: 680

Hearing Date: July 29, 2008
Judge: Mosby G. Perrow, III

COMMONWEALTH OF VIRGINIA

v.

ORDER

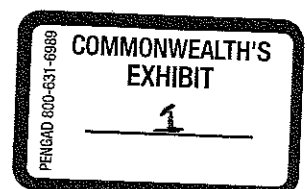
Felony No. CR08019473-00 – Driving While Intoxicated, 3rd Offense Within 10 Years

Teresa Gail Overby, Defendant

This day came the Commonwealth, represented by Joseph Lee, and Teresa Gail Overby, who stands indicted for a felony, to-wit: driving while intoxicated, 3rd offense within 10 years. The defendant appeared in proper person, and by counsel, Joseph Sanzone, who was previously employed.

Whereupon, the defendant was arraigned and after private consultation with and being advised by said counsel, pleaded guilty to the indictment, which plea was tendered by the defendant in person, and the Court having made inquiry and being of the opinion that the defendant fully understood the nature and effect of said plea and of the penalties that may be imposed upon conviction and of waiver of trial by jury and of appeal, proceeded to hear and determine the case without the intervention of a jury as provided by law. The Court having heard the Commonwealth's proffer, which was accepted by the defendant, and having heard the argument of counsel, doth find the defendant guilty of:

CASE NUMBER	OFFENSE DESCRIPTION & INDICATOR FELONY/MISDEMEANOR (F/M)	OFFENSE DATE	CODE SECTION
CR08019473-00	Driving While Intoxicated, 3 rd Offense (F) DWI5449F6	10-29-07	18.2-266



Pursuant to the provisions of Code § 19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court SENTENCES the defendant to:

Incarceration with the **Virginia Department of Corrections** for the term of: 5 years, a \$1000.00 fine and license suspended indefinitely, the total sentence imposed is 5 years.

This sentence shall run consecutively with any other sentences imposed.

The Court SUSPENDS 4 years, 8 months, 20 days and the fine of the aforesaid sentence, upon the following conditions:

Good Behavior. The defendant shall be of good behavior for 5 years from the date of sentencing.

Supervised Probation. The defendant is placed on probation to commence on release from incarceration under the supervision of a Probation Officer for 24 months. The defendant shall comply with all the rules and requirements set by the Probation Officer. Probation shall include substance abuse screening and follow-up pursuant to Section 18.2-251.01 as deemed appropriate by the Probation Officer. The Court doth order the defendant to submit to random drug screens at the direction and discretion of the Probation Officer.

Costs. The defendant shall pay the costs of this prosecution in accordance with a schedule prepared by the Clerk.

Credit for Time Served. The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code Section 53.1-187.

Work Release. The Court doth allow the defendant to have work release, subject to the rules and regulations of the Blue Ridge Regional Jail Authority.

The Court doth order the defendant to report to jail on August 4, 2008 at 9:00 o'clock a.m.

DEFENDANT IDENTIFICATION:

Alias: [REDACTED] [REDACTED] SEX: Female

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 5 years

TOTAL SENTENCE SUSPENDED: 4 years, 8 months, 20 days

TOTAL SENTENCE TO SERVE: 100 days

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DMV
Teresa Gail Overby
3212 Leslie Street
Lynchburg, VA 24501
Costs-Time Payment

A Copy, Teste:
Lerry B. Palmer, Clerk
By:

L. Parham Deputy Clerk