

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

GERALD B. ROY, R.N. REINSTATEMENT APPLICANT

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Gerald B. Roy, who, prior to its suspension by the Virginia Department of Health Professions on May 11, 2009, held License No. 0001-171004 to practice professional nursing in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on July 20, 2009, at 11:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233, at which time Mr. Roy will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Mr. Roy has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on his behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Mr. Roy desires any witnesses to appear on his behalf, he must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Gerald B. Roy's application for reinstatement of his license to practice professional nursing in Virginia, and to inquire into evidence that Mr. Roy may have violated certain laws and regulations governing nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

Pursuant to § 54.1-2409 of the Code, reinstatement of Mr. Roy's license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

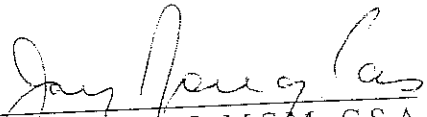
1. Gerald B. Roy, R.N., may have violated § 54.1-3007(4) and (6) of the Code in that on or about January 28, 2008, he was sentenced in the Circuit Court of the City of Virginia Beach, Virginia, for his convictions of one count of driving a vehicle after license revocation and driving while intoxicated, and one count of a third offense of operating a motor vehicle under the influence of alcohol within the last ten years, both felonies. These convictions formed the basis for the suspension of his license to practice professional nursing by the Virginia Department of Health Professions in May, 2009.

2. Mr. Roy may be in violation of § 54.1-3007(6) of the Code in that he may be unable to safely practice professional nursing due to substance abuse, as evidenced by:

a. A history of alcohol addiction and marijuana use, which he acknowledged to an investigator with the Virginia Department of Health Professions on April 17, 2009.

b. A history of driving while intoxicated, including three misdemeanor convictions for driving while intoxicated in the General District Court of the City of Virginia Beach, Virginia, received December 1997, October 17, 2002, and February 24, 2006.

FOR THE BOARD


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

ENTERED: June 19th, 2009