



COMMONWEALTH of VIRGINIA

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

RECEIVED

MAY 12 2009

Sandra Whitley Ryals
Director

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

May 11, 2009

Gerald Bernard Roy
4420 Hudgins Drive
Virginia Beach, VA 23455

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 5.11.09

RE: License No.: 0001-171004

Dear Mr. Roy:

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 as a professional nurse in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered May 11, 2009. 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 P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

[Handwritten signature of Emily O. Wingfield]

Emily O. Wingfield, Chief Deputy Director
Department of Health Professions

Enclosures
Case # 125382

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: GERALD BERNARD ROY, R.N.  
License No.: 0001-171004

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Emily O. Wingfield, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that Gerald Bernard Roy, R.N., was convicted of felony charges in the Circuit Court of the City of Virginia Beach for the Commonwealth of Virginia, to wit:

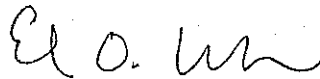
1. One (1) Count of Drive Vehicle After License Revoked and DWI Violation; and
2. One (1) Count of Driving Under the Influence-3<sup>rd</sup> Offense Within 10 Years.

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 Gerald Bernard Roy, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Gerald Bernard Roy, R.N., will be recorded as suspended and no longer current. Should Mr. Roy seek reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his 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.



Emily O. Wingfield, Chief Deputy Director  
Department of Health Professions

ENTERED: 5/11/09



# COMMONWEALTH of VIRGINIA

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Sandra Whitley Ryals  
Director

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TEL (804) 367-4400

FAX (804) 527-4475

## CERTIFICATION OF DUPLICATE RECORDS

I, Emily O. Wingfield, Chief Deputy Director of the Department of Health Professions, hereby certify that the Sentencing Order entered January 28, 2008, regarding Gerald Bernard Roy, R.N., is a true copy of the records received from the Circuit Court of the City of Virginia Beach, Virginia.

Emily O. Wingfield

Date: 5/11/09

Emily O. Wingfield

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

HEARING DATE: JANUARY 28, 2008

JUDGE: MAHAN

COMMONWEALTH OF VIRGINIA

vs

Case Number: CR07-4154

GERALD BERNARD ROY, Defendant

**SENTENCING ORDER**

Attorney for the Commonwealth: S. Lang

Attorney for the Defendant: M. Robusto

Court Reporter: Ronald Graham and Associates, Inc.

The defendant was present and represented by counsel.

On November 5, 2007, the defendant was found GUILTY of the following offense(s):

<u>OFFENSE</u> <u>DESCRIPTION</u>	<u>OFFENSE</u> <u>DATE</u>	<u>CODE</u> <u>SECTION</u>	<u>CRIME CODE</u> <u>REFERENCE</u>
Drive Vehicle After License Revoked and DWI Violation	07-28-07	46.2-391 D2(a)	LIC6860F9
Driving Under The Influence -- 3 <sup>rd</sup> Offense Within 10 Years	07-28-07	18.2-266; 18.2-270; 18.2-10	

The presentence report was considered and filed as part of the record in accordance with the provisions of Code §19.2-299.

Pursuant to the provisions of Code § 19.2-298.01 the applicable discretionary sentencing guidelines and the guidelines worksheets were reviewed and considered by the Court and are ordered filed as part of the record.

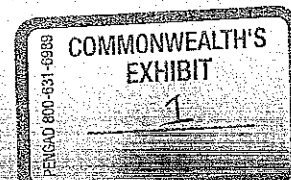
Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to:

Incarceration in the Virginia Department of Corrections for the term of: 2 years on the charge of Drive Vehicle After License Revoked and DWI Violation.

The court **SUSPENDS** 1 year of the sentence of which the 1 year is the mandatory minimum on the following condition(s):

**Good Behavior.** The defendant shall be of good behavior for 2 years.



**Supervised Probation.** The defendant is placed on supervised probation. The defendant shall be on probation until released by the probation officer. Probation under the supervision of a probation officer shall commence upon sentencing unless the defendant is remanded to custody at sentencing then it shall commence upon release from incarceration. The defendant shall comply with all the rules, terms and requirements set by the probation officer. The defendant shall undergo and complete any substance abuse screening, assessment, testing and treatment directed by the probation officer.

**Other.** The defendant shall not consume alcohol or illegal drugs.

**Other.** The defendant shall not operate a motor vehicle.

The Court further **SENTENCES** the defendant to:

Incarceration in the Virginia Department of Corrections for the term of: 3 years on the charge of Driving Under the Influence - 3<sup>rd</sup> Offense Within 10 Years.

The Court imposes a fine of \$1,000.00 on the offense of Driving Under the Influence – 3<sup>rd</sup> Offense Within 10 Years. The defendant shall pay such fine pursuant to § 19.2-354. Also pursuant to the provisions of § 18.2-270.01, the defendant shall pay a \$50 Trauma Fund Fee

The court **SUSPENDS ALL BUT 10 MONTHS** of the sentence of which 90 days are the mandatory minimum on the following condition(s):

**Good Behavior.** The defendant shall be of good behavior for 3 years.

**Supervised Probation.** The defendant is placed on supervised probation. The defendant shall be on probation until released by the probation officer. Probation under the supervision of a probation officer shall commence upon sentencing unless the defendant is remanded to custody at sentencing then it shall commence upon release from incarceration. The defendant shall comply with all the rules, terms and requirements set by the probation officer. The defendant shall undergo and complete any substance abuse screening, assessment, testing and treatment directed by the probation officer.

The Court further **ORDERS** the defendant's operator's license is revoked indefinitely pursuant to §18.2-271(C).

The Court has no objection to the defendant being on work release.

**Civil Remedial Fee § 46.2-206.1.** Payment to the court in the amount of \$2,000.00; a second equal payment to DMV within 14 calendar months of the date of conviction and a third equal payment to DMV within 26 months of the date of conviction. The Court orders suspension of the driver's license or privilege to drive a motor vehicle in Virginia as provided in § 46.2-395 for failing to pay the first annual payment of the fee to the court.

**Credit for time served.** The defendant sentenced to a term of confinement in a correctional facility shall be given credit for time spent in confinement while awaiting trial pursuant to Code § 53.1-187.

**Substance abuse screening and assessment for felony convictions pursuant to § 18.2-251.01:** If the defendant has been convicted of a felony offense, not a capital offense, committed on or after January 1, 2000, the defendant shall complete any substance abuse screening, assessment, testing, and treatment as directed by the Department of Corrections or a Probation and Parole Officer as part of the defendant's sentence.

**Costs.** The defendant shall pay costs pursuant to § 19.2-354.

**Distribution of copies:**

The Clerk shall send a copy of this order to the:

Sheriff

Department of Corrections

Probation Office of this Court

Department of Motor Vehicles

DATE: \_\_\_\_\_

1/28/08

ENTER: \_\_\_\_\_



JUDGE

**Sentencing Summary:**

TOTAL SENTENCE IMPOSED: 5 YEARS

ACTIVE TIME TO SERVE: 1 YEAR AND 10 MONTHS

**Defendant Identification:**

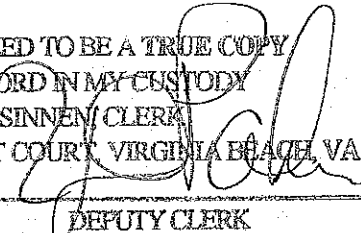
SSN:

DOE

SEX: MALE

Initials of Clerk: nh

CERTIFIED TO BE A TRUE COPY  
OF RECORD IN MY CUSTODY  
TINA E. SINNEN, CLERK  
CIRCUIT COURT, VIRGINIA BEACH, VA  
BY \_\_\_\_\_



DEPUTY CLERK