

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SHERRY BYERS, L.P.N.
License No.: 0002-057344

CONSENT ORDER

The Virginia Board of Nursing (“Board”) and Sherry Byers, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Byers’ license to practice practical nursing in Virginia.

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

FINDINGS OF FACT

1. Sherry Byers, L.P.N., was issued License No. 0002-057344 to practice practical nursing by the Virginia Board of Nursing on January 13, 1999. Said license is set to expire on September 30, 2014. Ms. Byers held a certificate to practice as a nurse aide in Virginia that is expired. Virginia is her primary state of residence.

2. A Virginia Department of Social Services inspection on April 30, 2013, revealed that during the course of her employment with Valley View Retirement Community, Lynchburg, Virginia, Ms. Byers had taught a four-hour refresher course for medication aides without first successfully completing a course that is designed to prepare her to teach the course as it applies to the clients in the specific setting in which those completing the course will administer medications.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2) and (5) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(p) and 18 VAC 90-20-380 of the Regulations Governing the

Practice of Nursing, as more fully set out in 18 VAC 90-60-50 and 18 VAC 90-60-60(D) of the Regulations Governing the Registration of Medication Aides.

CONSENT

Sherry Byers, 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. Sherry Byers, L.P.N., is hereby REPRIMANDED.
2. Ms. Byers 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 *Stewart Mitchell*
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: *April 8, 2014*

SEEN AND AGREED TO:

Sherry Byers L.P.N.
Sherry Byers, L.P.N.

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

Subscribed and sworn to before me, *Cecelia H. Peters*, a Notary Public, this *17th* day of *March*, 2014.

My commission expires *9/30/2015*.

Registration Number *328116*.

Cecelia H. Peters
NOTARY PUBLIC

Certified True Copy.

By *[Signature]*
Virginia Board of Nursing