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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SHERI LEIGH PAYNE, R.N.
License No.: 0001-177537

CONSENT ORDER

The Virginia Board of Nursing ("The Board") and Sheri Leigh Payne, R. N., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Ms. Payne to practice nursing in the Commonwealth of Virginia.

FINDINGS OF FACT

The Board adopts the following findings of fact in this matter:

1. Sheri Leigh Payne, R.N., was issued license number 0001-177537 by the Board to practice nursing in the Commonwealth of Virginia on February 25, 2002. Ms. Payne's primary state of residence is Virginia.
2. On November 10, 2011, the Virginia Board of Nursing entered a Consent Order which required Ms. Payne to pay a monetary penalty of One Hundred Dollars (\$100.00) to the Board. This action was based on her violation of the Code of Virginia and Board of Nursing Regulations, in that from April 30, 2011 through May 5, 2011, Ms. Payne practiced nursing without a license as her license to practice nursing in the Commonwealth of Virginia had expired on April 30, 2013, and she did not renew the license until May 5, 2011. Ms. Payne had worked in her capacity as a Pediatric Emergency Room Nurse at Bon Secours St. Mary's Hospital, Richmond, Virginia on May 5, 2011, prior to renewing said license.
3. By a Final Order which was effective on November 10, 2013, the State of Michigan Board of Nursing Disciplinary Subcommittee suspended Ms. Payne's license to practice as a

registered nurse in the State of Michigan. This action was based solely on the Virginia Consent Order entered November 10, 2011.

7. By Order entered March 18, 2014, the Director of the Department of Health Professions mandatorily suspended Ms. Payne's license pursuant to Section 54.1-2409 of the Code due to the action of the State of Michigan Board of Nursing Disciplinary Subcommittee.

CONCLUSIONS OF LAW

This matter of the reinstatement of Ms. Payne's license to practice nursing in the Commonwealth of Virginia is properly before the Board.

CONSENT

I, Sheri Leigh Payne, R.N., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to a formal administrative hearing before the Board;
 - b. the right to appear in person or by counsel, or other qualified representative before the agency; and
 - c. the right to cross-examine witnesses against me.
4. I waive all rights to a formal hearing;
5. I admit the truth of the above Findings of Fact; and
6. I consent to the following Order affecting my license to practice nursing in the

Commonwealth of Virginia.


ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of Sheri Leigh Payne, R.N., to practice nursing in the Commonwealth of Virginia, be, and hereby is, REINSTATED.

Ms. Payne shall maintain a course of conduct in her practice of nursing commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent 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.


FOR THE BOARD:



Jane R. Ingalls, R.N., Ph. D.
President, Virginia Board of Nursing

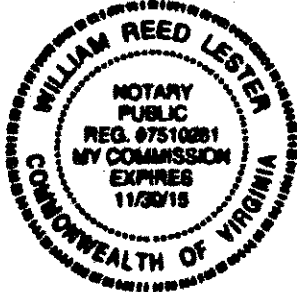
ENTERED: March 18, 2014


SEEN AND AGREED TO:


Sheri Leigh Payne, R.N.

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

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 21 day of February, 2014, by Sheri Leigh Payne, R.N.




Notary Public

Registration Number: 7510281

My commission expires: 11/30/15

Certified True Copy

By 
Virginia Board of Nursing

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

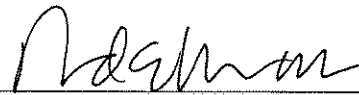
**IN RE: SHERI LEIGH PAYNE, R.N.
 License No.: 0001-177537**

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that The State of Michigan Board of Nursing Disciplinary Subcommittee suspended the license of Sheri Leigh Payne, R.N., to practice nursing in the State of Michigan by Final Order effective November 10, 2013. A certified copy of the Final 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 Sheri Leigh Payne, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

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.



David E. Brown, D.C., Director
Department of Health Professions

ENTERED: 3/18/14



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director


Department of Health Professions

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

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Final Order effective November 10, 2013, regarding Sheri Leigh Payne, R.N., are true copies of the records received from the State of Michigan Board of Nursing Disciplinary Subcommittee.



David E. Brown, D.C.

Date: 3/18/14

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

SHERI LEIGH PAYNE, R.N.
License Number: 47-04-263300

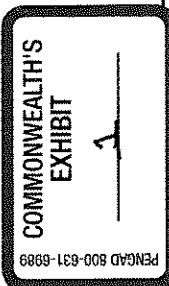
File Number: 47-13-128322

FINAL ORDER

On June 20, 2013, the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, hereafter Department, filed an Administrative Complaint, hereafter Complaint, with the Disciplinary Subcommittee of the Michigan Board of Nursing, hereafter Disciplinary Subcommittee, charging Sheri Leigh Payne, R.N., hereafter Respondent, with having violated sections 16221(b)(x) and 16221(i) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. On March 31, 2009, Respondent's license expired to practice as a registered nurse in the state of Michigan.

The Complaint notified Respondent that, pursuant to sections 16231(7) and 16231(8) of the Public Health Code, supra, Respondent's failure to respond to the Complaint within 30 days from the date of receipt would be treated as an admission of the allegations contained in the Complaint and would result in transmittal of the Complaint directly to the Disciplinary Subcommittee for imposition of an appropriate sanction.

Contrary to section 16231(7) of the Public Health Code, supra, Respondent failed to provide a written response to the allegations set forth in the Complaint within 30 days from the date of receipt.



The Disciplinary Subcommittee, having read the Complaint, considered the within matter at a regularly scheduled meeting held in Lansing, Michigan, on September 12, 2013, and imposed a sanction pursuant to section 16231(8) of the Public Health Code, supra. Now, therefore,

IT IS HEREBY ORDERED that for the violations of sections 16221(b)(x) and 16221(i) of the Public Health Code, supra, Respondent's license to practice as a registered nurse in the state of Michigan is SUSPENDED for a minimum period of six months and one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that as Respondent's license to practice is expired, Respondent must apply for relicensure, in accordance with section 16174 of the Public Health Code, supra.

IT IS FURTHER ORDERED that for the cited violations of the Public Health Code, Respondent is FINED in the amount of \$250.00 to be paid to the State of Michigan prior to relicensure.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Health Professions Division, Sanction Monitoring, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order made payable to the State of Michigan, and the check or money order shall clearly display file number **47-13-128322**.

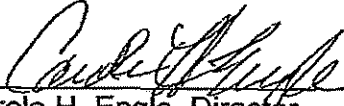
STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true copy of
the original on file in the office of the
Department of Licensing & Regulatory Affairs
Bureau of Health Care Services

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACRS, R 338.1632 and section 16221(h) of the Public Health Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Disciplinary Subcommittee's Chairperson or authorized representative, as set forth below.

Dated: 10-10-13

**MICHIGAN BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE**

By: 
Carole H. Engle, Director
Bureau of Health Care Services

This is the final page of a Final Order in the matter of Sheri Leigh Payne, R.N., File Number 47-13-128322, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of three pages, this page included.

WH

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true copy of
the original on file in the office of the
Department of Licensing & Regulatory Affairs
Bureau of Health Care Services

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

SHERI LEIGH PAYNE, R.N.
License Number: 47-04-263300

File Number: 47-13-128322

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Licensing and Regulatory Affairs, hereafter Complainant, by Carole H. Engle, Director, Bureau of Health Care Services, and files this complaint against Sheri Leigh Payne, R.N., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Nursing, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent has an expired license to practice as a registered nurse in the state of Michigan, and an address of record with Complainant of Richmond, Virginia. Pursuant to section 16201(5) of the Public Health Code, supra, the expiration of a license does not terminate a board's authority to impose sanctions on a licensee.

3. On November 10, 2011, the Virginia Board of Nursing, hereafter Virginia Board, issued a Consent Order, whereby Respondent was ordered to pay a monetary penalty. The adverse action was based on Respondent working while her Virginia license was expired. A copy of the Consent Order, marked Exhibit A, is attached and incorporated.

4. Respondent failed to notify Complainant of the final adverse administrative action by the Virginia Board within 30 days of the date of the action.

COUNT I

The foregoing action in the state of Virginia, as set forth above in paragraph 3, constitutes a final adverse administrative action by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States, in violation of section 16221(b)(x) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above in paragraph 4, evidences a failure to notify Complainant of the disciplinary action in the state of Virginia, as required by section 16222(3) of the Public Health Code, supra, in violation of section 16221(i) of the Public Health Code, supra.


The within Complaint is based upon files and records maintained by Complainant and the attached Affidavit of Bilal Allateef.

WHEREFORE, Complainant requests that the within Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Carole H. Engle, Director, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: 6-20-13



Carole H. Engle, Director
Bureau of Health Care Services

Attachments

This is the final page of an Administrative Complaint in the matter of Sheri Leigh Payne, R.N., File Number 47-13-128322, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of three pages, this page included.

AS

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

SHERI PAYNE, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Sheri Payne, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Payne's license to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Sheri Payne, R.N. was issued License No. 0001-177537 to practice professional nursing by the Virginia Board of Nursing on February 25, 2002. Said license is set to expire on April 30, 2013. Ms. Payne's primary state of residence is Virginia.
2. Ms. Payne's license to practice professional nursing expired on April 30, 2011.
3. Ms. Payne renewed said license to practice professional nursing on May 5, 2011.
4. Ms. Payne worked in her capacity as a Pediatric Emergency Room Nurse at Bon Secours St. Mary's Hospital, Richmond, Virginia, on May 5, 2011, prior to renewing said license.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of §§54.1-3007(3), 54.1-3008(2), and 54.1-3011(C) of the Code of Virginia (1950), as amended ("Code").

STATE OF MICHIGAN
We certify that the above is a true copy of
the original on file in the office of the
Department of Licensing & Regulatory Affairs
Bureau of Health Care Services

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APR 02 2013

Department of Licensing & Regulatory Affairs
Bureau of Health Care Services
Enforcement Section - Allegator 1114

EXHIBIT A page 1 of 3

CONSENT

Sheri Payne, R.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 professional 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. Sheri Payne, R.N., shall pay a MONETARY PENALTY of \$100.00 to the Board within 30 days of the entry of this Order.
2. Ms. Payne shall maintain a course of conduct in her capacity as a registered nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true copy of
the original on file in the office of the
Department of Licensing & Regulatory Affairs
Bureau of Health Care Services

EXHIBIT A page 2 of 3

#. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Sheri Payne, R.N., and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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

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

ENTERED: November 10th, 2011

SEEN AND AGREED TO:

Sheri Payne
Sheri Payne, R.N.

Certified True Copy

By Jamara Farmer
Virginia Board of Nursing

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

Subscribed and sworn to before me, Thomas Mitchell Parrett, a Notary Public, this 19th day of August, 2011.

My commission expires 1/31/2013

Registration Number 721901

THOMAS MITCHELL PARRETT
Notary Public
Commonwealth of Virginia
7281901
My Commission Expires Jan 31, 2013

Thomas Mitchell Parrett
NOTARY PUBLIC
STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Care Services

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

SHERI LEIGH PAYNE, R.N.
License Number: 47-04-263300

File Number: 47-13-128322

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

AFFIDAVIT OF BILAL ALLATEEF

NOW COMES Bilal Allateef, hereafter Affiant, who, after being duly sworn and upon oath, states on information and belief as follows:

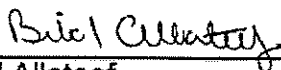
Affiant is a Departmental Analyst in the Enforcement Section, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, hereafter Department, and in said capacity is responsible for obtaining certified copies of final adverse administrative actions taken by other states against health professionals licensed to practice a health profession in the state of Michigan.

On April 2, 2013, Affiant received certified records of final adverse administrative action indicating that Sheri Leigh Payne, R.N., hereafter Respondent, had been disciplined in the state of Virginia pursuant to a Consent Order issued November 10, 2011.


Upon checking the Department's records relative to Michigan licensure, Affiant learned that Respondent holds a lapsed Licensed Practical Nurse license in the state of Michigan.

Affiant has not been notified by Respondent of the November 10, 2011, disciplinary action in the state of Virginia, within 30 days of the date of the action.

Further Affiant saith not.


Bilal Allateef

Subscribed and sworn to before me
this 30th day of May, 2013


Bianka A. Daly, Notary Public
Ingham County, Michigan
My Commission expires July 8, 2014.

BIANKA A. DALY
NOTARY PUBLIC-STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires July 8, 2014

This is the last and final page of an Affidavit of Bilal Allateef in the matter of Sheri Leigh Payne, R.N., File Number 47-13-128322, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of two pages, this page included.

BA