

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:                   SHERYL MASON, L.P.N. REINSTATEMENT APPLICANT**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on April 5, 2011, in Henrico County, Virginia, to receive and act upon Sheryl Mason’s application for reinstatement of her license to practice practical nursing in Virginia and to inquire into evidence that Ms. mason may have violated certain laws and regulations governing nursing practice. Ms. Mason was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Sheryl Mason was issued License No. 0002-048568 to practice practical nursing in the Commonwealth of Virginia on November 29, 1993. Said license was suspended by Order of the Board entered on September 24, 2002. Ms. Mason’s primary state of residence is Virginia.
2. By letter dated March 2, 2011, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Mason notifying her that an informal conference would be held on April 5, 2011. The Notice was sent by certified and first class mail to 7210 Hunt Road, P.O. Box 67, Jarratt, Virginia 23867, the address of record on file with the Board of Nursing.
3. Ms. Mason submitted an application for reinstatement of her license to practice practical nursing which was received by the Board on July 15, 2010.

4. Ms. Mason's prior application for reinstatement of her license was denied by the Board following an informal conference that took place on February 2, 2009. During that informal conference, Ms. Mason stated that she had last used alcohol in November, 2008. She later admitted to an investigator for the Department of Health Professions, and at the April 5, 2011 informal conference, that she had actually used alcohol the day before the 2009 informal conference.

5. On an application for employment with A & C Alternative Care, dated October 28, 2009, Ms. Mason falsely indicated that her reason for leaving Visions Family Care was "desire to work with m.r. population, not severe m.h.," when, in fact, her employment with Visions had been terminated for violating company rules. She also stated that her reason for leaving the District 19 Community Services Board was "desired full time employment," when, in fact, her employment was terminated for testing positive for alcohol on a urine drug screen required by the Health Practitioners' Monitoring Program.

6. Ms. Mason stated at the informal conference that her sobriety date was February 23, 2009. She has been involved in both Narcotics Anonymous and Alcoholics Anonymous since that time. She goes to two meetings per week and has a sponsor, but she is not specifically working the 12 Steps.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(n) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

3. Based on the above Findings of Fact, the Committee concludes that Ms. Mason is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

4. The Board concludes that Ms. Mason has demonstrated satisfactory evidence that he/she is prepared to resume practice in a safe and competent manner, with restrictions.

**ORDER**

On the basis of the foregoing, the Committee hereby ORDERS as follows:

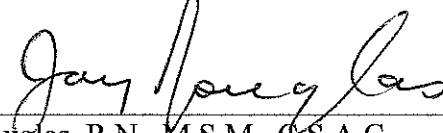
1. The license of Sheryl Mason to practice practical nursing in the Commonwealth of Virginia is hereby REINSTATED contingent upon proof of Ms. Mason's entry into the Health Practitioners' Monitoring Program ("HPMP"). Thereafter, Ms. Mason shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
2. This order shall be applicable to Ms. Mason's multistate licensure privilege, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Mason shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Mason, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Mason shall be noticed to appear before the Board at such time as the Board is notified that:
  - a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
  - b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
  - c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Mason's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

4. Ms. Mason is hereby REPRIMANDED.

5. Ms. Mason 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 on request.

FOR THE COMMITTEE



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

ENTERED: April 11<sup>th</sup>, 2011

**NOTICE OF RIGHT TO FORMAL HEARING**

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, within 33 days of the date of service of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.