

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIMBERLY M. MAWYER, R.N. REINSTATEMENT APPLICANT

AMENDED 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”), Kimberly M. Mawyer, R.N., who, prior to its mandatory suspension by the Department of Health Professions on November 3, 2008, held License No. 0001-144900 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 April 18, 2011, 1:30 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Mawyer will be afforded the opportunity to be heard in person or by counsel.

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

The purpose of the hearing is to receive and act upon Ms. Mawyer’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Mawyer may have violated certain laws governing nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Mawyer, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice of professional nursing in Virginia.

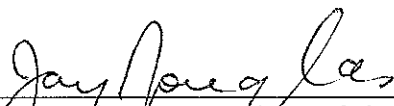
Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Mawyer's license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Kimberly M. Mawyer, R.N., may have violated § 54.1-3007(4) of the Code in that:
 - a. On or about July 16, 2003, Ms. Mawyer was convicted of felony driving while intoxicated, 3rd offense within ten years in the Circuit Court of Amherst County, Virginia, ("Amherst Circuit Court").
 - b. On or about November 19, 2003, Ms. Mawyer was convicted of felony driving under the influence, 4th offense in the Amherst Circuit Court.
 - c. On or about March 7, 2006, Ms. Mawyer was convicted of felony driving while intoxicated, 3rd offense within ten years, in the Amherst Circuit Court.
 - d. On or about March 18, 2009, Ms. Mawyer was convicted of felony driving under the influence, 4th or subsequent offense in the Amherst Circuit Court.
 - e. On or about May 1, 2006, and January 30, 2009, Ms. Mawyer was charged with felony probation violation, and her probation was revoked on June 6, 2006, and March 18, 2009, respectively in the Amherst Circuit Court.
2. Ms. Mawyer may have violated § 54.1-3007(6) of the Code in that she may be unsafe to practice professional nursing due to her admitted alcohol abuse and multiple felony driving while impaired convictions as evidenced above.

FOR THE BOARD



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

ENTERED: March 30th, 2011