

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SALLY MAYBERRY, C.N.A., R.M.A.
Certificate No.: 1401-132056
Registration No.: 0031-005742

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400 (10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Virginia Board of Nursing ("Board") on October 22, 2013, in Henrico County, Virginia. Ms. Mayberry was present and was not represented by legal counsel. Nancy Durrett, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Mayberry was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Sally Mayberry was issued Certificate No. 1401-132056 to practice as a nurse aide in Virginia on August 20, 2009. The certificate is scheduled to expire on August 31, 2014. Ms. Mayberry was issued Registration No. 0031-005742 as a medication aide on March 14, 2012. The registration is scheduled to expire on January 31, 2014.

2. By letter dated October 1, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Mayberry notifying her that an informal conference would be held on October 22, 2013. The Notice was sent by certified and first class mail to 1403 Charles Street,

3. Ms. Mayberry is addicted to narcotics, primarily heroin.

4. Ms. Mayberry received substance abuse services from Northwestern Community Services from September 21, 2006 to January 19, 2009, and resumed treatment from July 16, 2010, to March 1, 2011.

5. Ms. Mayberry completed a 28-day residential substance abuse recovery program at Boxwood Recovery Center, Culpeper, Virginia, in 2010.

6. In April, 2013, Ms. Mayberry was hospitalized at MCV for detoxification.

7. Ms. Mayberry signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"), on June 6, 2013, and in doing so, admitted that she may suffer from the disease of alcohol and/or chemical dependence. She attended HPMP orientation and signed a Recovery Monitoring Contract on July 1, 2013. On October 21, 2013, HPMP reported that Ms. Mayberry was in compliance. HPMP has approved Ms. Mayberry to work on a limited basis. When she entered HPMP, she voluntarily left her employment at Golden Living Fredericksburg where she had worked since September 2009 with no issues.

8. At the informal conference, Ms. Mayberry stated that May 3, 2013, was her sobriety date. She reports that she has a sponsor, attends Narcotics' Anonymous 3-4 times per week, and is working the Steps. Ms. Mayberry attends an intensive outpatient therapy program two times per week and submits to random drug screens at least two times per week. Ms. Mayberry resides at the Mary Shelter residence which provides housing for single parents and has availed herself of Project Link which provides resources for mothers with addictions.

9. At the informal conference Ms. Mayberry stated that she is highly motivated to succeed. Her last withdrawal from narcotics was very difficult. She stated that she realizes that using drugs or not using drugs is a life or death choice for her.

10. Ms. Mayberry has no outstanding criminal charges.

CONCLUSIONS OF LAW

Finding of Fact #3 through 7 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION against the certificate and registration of Sally Mayberry, C.N.A., R.M.A., contingent upon Ms. Mayberry's continued compliance with the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate and registration of Ms. Mayberry, and an administrative proceeding shall be held to decide whether her certificate or registration should be revoked. Ms. Mayberry shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Mayberry is not in compliance with the terms and conditions specified by the HPMP;
- b. Ms. Mayberry's participation in the HPMP has been terminated;
- c. There is a pending investigation or unresolved allegation against Ms. Mayberry involving a violation of law, regulation, or any term or condition of this order.


3. Upon receipt of evidence of Ms. Mayberry's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Mayberry's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

4. Ms. Mayberry shall maintain a course of conduct in her capacity as a nurse aide and medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing Certified Nurse Aides and the Regulations Governing the Registration of Medication Aides.

Pursuant to § 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Mayberry may, not later than 5:00 p.m., on **March 11, 2014**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

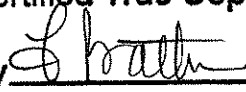
FOR THE BOARD:


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

ENTERED: Feb 6, 2014

This Order shall become final on March 11, 2014; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing