

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KIMBERLY M. MAWYER, R.N.
 License No.: 0001-144900**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 27, 2014, in Henrico County, Virginia, to inquire into evidence that Kimberly M. Mawyer, R.N., may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on May 5, 2011, and to inquire into evidence that she may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Amanda E. M. Blount, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Mawyer was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kimberly M. Mawyer, R.N., held License No. 0001-144900 to practice professional nursing in the Commonwealth of Virginia, which was issued on August 4, 1995. Her primary state of residence is Virginia. Said license was suspended by an Order of the Board entered May 5, 2011 ("Board's Order"), with the suspension stayed contingent upon Ms. Mawyer's entry into and compliance with all terms and conditions for the period specified by the Health Practitioners' Monitoring Program ("HPMP"). The stay of indefinite suspension was thereafter summarily rescinded on October 16, 2013, pursuant to a notice of Ms. Mawyer's dismissal from HPMP on September 20, 2013.

2. Based upon the representation of Amanda E. M. Blount, Adjudication Specialist, and Commonwealth's Exhibits #1 and #3, the Notice of Formal Hearing and Statement of Particulars and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to Ms. Mawyer and the hearing proceeded in her absence.

3. Ms. Mawyer was dismissed from HPMP on September 20, 2013, for noncompliance due to her continued use of alcohol, her failure to obtain a multi-day evaluation as recommended, and her failure to comply with the toxicology screening program.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 3 of the Board's Order.

ORDER

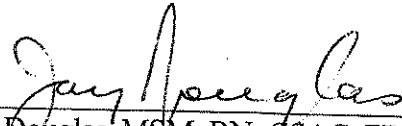
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-144900 issued to Kimberly M. Mawyer, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby CONTINUED on INDEFINITE SUSPENSION.
2. The license of Ms. Mawyer will be recorded as SUSPENDED and no longer current. Should Ms. Mawyer seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.
3. At such time as Ms. Mawyer shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.
4. This Order shall be applicable to Ms. Mawyer's multistate licensure privileges, if any, to practice professional nursing.

5. Ms. Mawyer is hereby REPRIMANDED.

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 BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

February 14th, 2014
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy
By alraham
Virginia Board of Nursing