

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CRYSTAL BYRD, C.N.A.
Certificate No.: 1401-133209

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 Board of Nursing ("Board") on July 2, 2013, in Henrico County, Virginia. Crystal Byrd, C.N.A., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 18, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Byrd 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. Crystal Byrd, C.N.A., was issued Certificate No. 1401-133209 to practice as a nurse aide in Virginia on October 21, 2009. The certificate is scheduled to expire on October 31, 2013.
2. By letter dated June 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Byrd notifying her that an informal conference would be held on July 2, 2013. The Notice was sent by certified and first class mail to 4054 Norborne Road, Richmond, Virginia, 23234, the address of record on file with the Board of Nursing. According to the United States Postal Service website, the Notice sent via certified mail was delivered to Ms. Byrd's address of record on June 12, 2013. The receipt for the Notice sent via certified mail was not returned to the Board office. The Notice sent via first-class mail was not returned to the Board office. The Agency Subordinate concluded that adequate

notice was provided to Ms. Byrd and the informal conference proceeded in her absence.

2. On her March 27, 2012, application for admission to the Chesterfield Technical Center's Practical Nursing Program, Ms. Byrd falsely stated that she had never been convicted of a felony or misdemeanor. In 2006, Ms. Byrd was convicted in the Chesterfield County, Virginia, General District Court of driving on a suspended license and of operating an uninsured vehicle, both misdemeanors.

3. On March 1, 2013, in the City of Richmond, Virginia, Circuit Court, Ms. Byrd entered pleas of guilty to indictments charging possession of cocaine and possession of marijuana. Ms. Byrd stated to a drug court official that she has a substance abuse problem and that she was not interested in entering the Richmond Adult Drug Treatment Court program.

4. Ms. Byrd failed to appear for her interview with an investigator for the Department of Health Professions, and she failed to respond to any subsequent attempts to contact her. As of the date of the informal conference, she was not a participant in the Virginia Health Practitioners' Monitoring Program.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-133209 of Crystal Byrd, C.N.A., is INDEFINITELY SUSPENDED.

2. The certificate will be recorded as suspended and no longer current.

3. At such time as Ms. Byrd shall petition the Board for reinstatement of her certificate, an

administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of a nurse aide. Ms. Byrd shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the certificate to resume practice.

4. This suspension shall be STAYED upon proof of entry into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Byrd shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the certificate of Ms. Byrd, and an administrative proceeding shall be held to determine whether her certificate shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Byrd is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Byrd's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Byrd involving a violation of law, regulation, or any term or condition of this order.

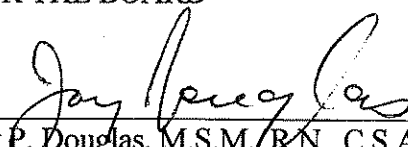
5. Upon receipt of evidence of Ms. Byrd's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Byrd's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted certificate.

6. Ms. Byrd shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Since Ms. Byrd failed to appear at the informal conference, this Order shall be considered final. Ms. Byrd has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Byrd has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Entered: September 24th, 2013

Certified True Copy

By 

Virginia Board of Nursing