

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**RACHEAL CYRUS, C.N.A.
License No.: 1401-137350**

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 15, 2013, in Henrico County, Virginia, to inquire into evidence that Racheal Cyrus, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. Ms. Cyrus was present and was not represented by counsel. Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Racheal Cyrus, C.N.A., was issued Certificate No. 1401-137350 to practice as a nurse aide in the Commonwealth of Virginia on June 2, 2010. Said certificate expires on June 30, 2013.
2. By letter dated March 18, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Cyrus notifying her that an informal conference would be held on April 15, 2013. The Notice was sent by certified and first class mail to Post Office Box 194, Rustburg, Virginia 24588, the address of record on file with the Board of Nursing.
3. On July 19, 2012, Ms. Cyrus was involuntarily committed to Lewis Gale Center for Behavioral Health, Salem, Virginia, where she was diagnosed with major depressive disorder, severe with suicidality, and substance abuse. Her discharge diagnosis included cocaine abuse, marijuana dependence, and alcohol abuse.

4. Ms. Cyrus submitted a letter dated February 26, 2013, from her physician stating that Ms. Cyrus is safe to practice as nurse aide. At the informal conference, Ms. Cyrus reported a sobriety date of July 17, 2012. She also reported that she completed the inpatient and outpatient program at Pathways Treatment Center, Lynchburg, Virginia, and she continues to attend the aftercare program. Ms. Cyrus has been employed at Team Nurse since December, 2012. Ms. Cyrus reported that her last urine drug screen was for her employment at Team Nurse, and the drug screen was clear.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Based on the above Findings of Fact, the Committee concludes that Racheal Cyrus, C.N.A., is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

ORDER

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

1. The Committee shall TAKE NO ACTION at this time, contingent upon proof of Ms. Cyrus' entry into the Health Practitioners' Monitoring Program ("HPMP"), pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. Thereafter, Ms. Cyrus shall comply with the terms and conditions of 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 of Ms. Cyrus, and an administrative proceeding shall be held to decide whether her certificate should be revoked. Ms. Cyrus shall be noticed to appear before the Board at such time as the Board is notified that:

- a. She has failed to make application to the HPMP;
- b. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

c. 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

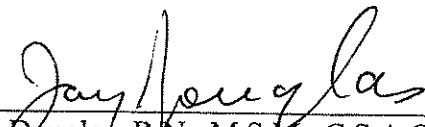
d. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Cyrus' participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

3. Ms. Cyrus 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 §§ 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Cyrus may, not later than 5:00 p.m., on **June 10, 2013**, notify Jay P. Douglas, 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 COMMITTEE:



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

ENTERED: May 7th, 2013

This Order shall become final on **June 10, 2013**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing