

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

CHERYL A. EVANS, R.N.

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 August 19, 2008, in Henrico County, Virginia. Ms. Evans was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Evans 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. Cheryl A. Evans, R.N., was issued License No. 0001-077837 to practice professional nursing in Virginia on September 1, 1980. Said license expired October 31, 2006. Ms. Evans is authorized to practice nursing in Virginia by virtue of her North Carolina nursing license.
2. By letter dated July 17, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Evans notifying her that an informal conference would be held on August 19, 2008. The Notice was sent by certified and first class mail to 798 Highway 700, Pelham, North Carolina 27311, the address of record on file with the Board of Nursing. The certified mail receipt was returned to the Board on July 23, 2008. The Agency Subordinate concluded that Ms. Evans received adequate notice and

the informal conference proceeded in her absence.

3. During the course of her employment with Internal Medicine Associates, Danville, Virginia, from April 7, 2006, through July 16, 2007, Ms. Evans wrote fraudulent prescriptions for various medications to include hydrocodone (Schedule III) and Percocet (oxycodone, Schedule II), for herself and other family members.

4. On November 13, 2007, in the Circuit Court of Danville, Virginia, Ms. Evans pled guilty to seven counts of obtaining drugs by fraud, based on the above activity. She was placed on probation with terms for 18 months and is scheduled to return to court in May 2009 for final disposition.

CONCLUSIONS OF LAW

Finding of Fact #3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

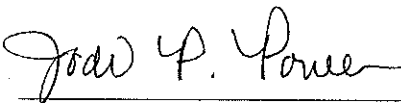
1. The privilege of Cheryl A. Evans, R.N., to practice professional nursing in Virginia is INDEFINITELY SUSPENDED for a period of not less than two years.
2. The privilege will be recorded as suspended and no longer current.
3. At such time as Ms. Evans shall petition the Board for reinstatement of her privilege, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Evans shall be responsible for any fees that may be required for the reinstatement and renewal of the privilege prior to issuance of the privilege to resume practice.

Since Ms. Evans failed to appear at the informal conference, this Order shall be considered final.

Ms. Evans 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. Evans 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, R.N., M.S.M., C.S.A.C., 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.

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.

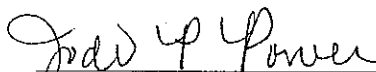
FOR THE BOARD


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

Entered: December 4, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Cheryl A. Evans, R.N., 798 Highway 700, Pelham, North Carolina 27311.


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

December 4, 2008
DATE

Certified True Copy
By 
Virginia Board of Nursing