

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: REGINA MAWYER, L.P.N.
License No.: 0002-071664

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 May 7, 2013, in Henrico County, Virginia. Regina Mawyer, L.P.N., 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 July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Mawyer 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. Regina Mawyer, L.P.N., was issued License No. 0002-071664 to practice practical nursing by the Virginia Board of Nursing on July 15, 2005. Said license expired on March 31, 2013. Her primary state of residence is Virginia.

2. By letter dated April 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Mawyer notifying her that an informal conference would be held on May 7, 2013. The Notice was sent by certified and first class mail to 1090 Enchanted Forest Path, Lynch Station, Virginia 24571, the address of record on file with the Board of Nursing. The certified mail and first class mail were not returned to the Board's office. The Notice was also sent by certified mail and first class mail to 275 NW 20th Street, Boca Raton, Florida 33431, a secondary address. The certified mail receipt was

returned to the Board's office unsigned. The first class mail was returned to the Board's office marked "not deliverable as addressed, unable to forward." The Agency Subordinate concluded that adequate notice was provided to Ms. Mawyer, and the informal conference proceeded in her absence.

3. On October 23, 2012, Ms. Mawyer was convicted of driving while intoxicated, in the Campbell County, Virginia, General District Court.

4. On September 26, 2012, Ms. Mawyer was convicted of driving under the influence, in the Bedford County, Virginia, General District Court.

5. On June 20, 2012, Ms. Mawyer told a Department of Health Professions investigator that she was recently diagnosed with post-traumatic stress disorder, depression, and personality disorder.

6. On April 22, 2012, Ms. Mawyer attempted suicide by consuming alcohol and 47 dosage units of Xanax (alprazolam, Schedule IV).

7. From October, 2007, to April, 2012, Ms. Mawyer signed a Participation Contract and nine Recovery Monitoring Contracts with the Health Practitioners' Monitoring Program ("HPMP"; formerly known as the Health Practitioners' Intervention Program) in which she recognized that her alcohol and/or substance use disorder may impair her ability to practice her profession safely.

8. Ms. Mawyer was granted a stay of disciplinary action on August 15, 2008, related to her actions in 2007 at Westminster Canterbury of Lynchburg, as noted below.

9. During the course of her employment at Westminster Canterbury of Lynchburg, Virginia, from July, 2007, to September, 2007:

a. Ms. Mawyer diverted five to ten dosage units of Lortab (hydrocodone, Schedule III) per day, while working three days a week, from the residents' supply for her own personal and unauthorized use.

b. Ms. Mawyer admitted that she destroyed Resident A's Controlled Substance

Record for September, 2007, in order to conceal her diversion of four dosage units of Lortab from Resident A.

c. Ms. Mawyer's employment was suspended on September 26, 2007, as a result of the above incidents. She subsequently resigned in February 2008, acknowledging she would be unable to return to work with narcotics for some time.

10. On May 21, 2010, Ms. Mawyer was convicted of obtaining controlled substances by fraud/deceit, in the Lynchburg, Virginia, Circuit Court, a misdemeanor involving moral turpitude. This conviction was related to her drug diversion at Westminster Canterbury in 2007.

11. In March 2012, the stay of disciplinary action was vacated, following her admitted relapse in 2011.

12. On October 19, 2012, the HPMP dismissed Ms. Mawyer from the program based on her continued non-compliance with her program contract, including filling numerous prescriptions for narcotics and Xanax without notifying her case manager. When contacted by her HPMP case manager regarding her non-compliance, Ms. Mawyer stated that she did not want to be concerned with anything regarding HPMP.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3, 4, 5, 6, and 7 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 9(a) constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations").
3. Finding of Fact No. 9(b) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations.
4. Finding of Fact No. 10 constitutes a violation of § 54.1-3007(4) of the Code.

ORDER

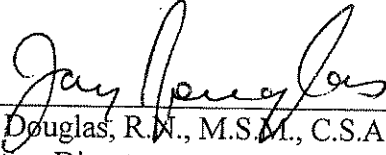
WHEREFORE, it is hereby ORDERED as follows:

1. The right of Regina Mawyer to renew License No. 0002-071664 is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
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 capable of resuming the safe and competent practice of nursing. Ms. Mawyer shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice practical nursing.

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. Mawyer failed to appear at the informal conference, this Order shall be considered final. Ms. Mawyer 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. Mawyer 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, L.P.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.

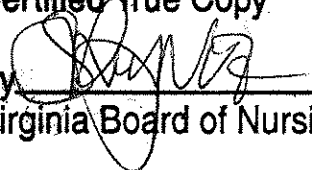
FOR THE BOARD:



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

Entered: August 7th, 2013

Certified True Copy

By 
Virginia Board of Nursing