

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARY W. BRYANT, L.P.N.
License No.: 0002-076795

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 April 18, 2013, in Henrico County, Virginia. Ms. Bryant was not present nor was she represented by legal counsel. Jane Elliott, 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. Bryant 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. Mary W. Bryant, L.P.N., was issued License No. 0002-076795 to practice practical nursing in Virginia on September 21, 2007. The license is scheduled to expire on June 30, 2014. Her primary state of residence is Virginia.

2. By letter dated March 22, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Bryant notifying her that an informal conference would be held on April 18, 2013. The Notice was sent by certified and first class mail to 3521 Valley View Avenue, N.W., Roanoke, Virginia, 24012, the address of record on file with the Board of Nursing. A notification of certified mail delivery was left at Ms. Bryant's home but she did not retrieve the certified mail from the post office. The

Notice sent by regular mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Bryant, and the informal conference proceeded in her absence.

3. A Consent Order was entered by the Board on October 27, 2011 (“Board’s Order”), which reinstated Ms. Bryant’s license contingent upon her entry into and continued compliance with all terms and conditions of the Health Practitioners’ Monitoring Program (“HPMP”). Ms. Bryant’s license had been previously suspended by Board Order entered May 27, 2010, due to Ms. Bryant’s mental health issues and her psychiatrist’s opinion that she was not able to practice safely due to the stress of her mental illness at the time.

4. Ms. Bryant entered the HPMP but was dismissed on July 20, 2012, due to noncompliance with her program contract, including failing to submit required reports and failing to maintain contact with her HPMP case manager.

5. Ms. Bryant suffers from mental illness, as evidenced by the following:

a. Ms. Bryant was hospitalized at the Lewis-Gale Center for Behavioral Health, Salem, Virginia, from on April 27, 2012, to May 1, 2012, due to increased suicidal thoughts.

b. On November 1, 2012, Ms. Bryant’s psychiatrist stated that due to her mood disorder, she would be unable to return to nursing for the foreseeable future.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Term No. 1 of the Board’s Order.
2. Finding of Fact No. 5 constitutes a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Mary W. Bryant, L.P.N., is hereby REPRIMANDED.
2. License No. 0002-076795 of Mary W. Bryant, L.P.N., is hereby INDEFINITELY

SUSPENDED.

3. The license will be recorded as suspended and no longer current.

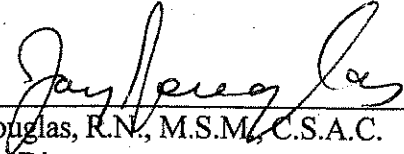
4. At such time as Ms. Bryant shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Bryant shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

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


FOR THE BOARD



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

Entered: August 6th, 2013

Certified True Copy

By 

Virginia Board of Nursing