

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARY W. BRYANT, C.N.A., L.P.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 March 8, 2010, in Henrico County, Virginia. Mary W. Bryant, C.N.A., L.P.N., 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 May 19, 2010, 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, C.N.A., L.P.N., was issued License No. 0002-076795 to practice practical nursing in Virginia on September 21, 2007. The license is set to expire June 30, 2010.
2. Ms. Bryant was issued Certificate No. 1401-114973 to practice as a nurse aide in Virginia on July 19, 2006. The certificate is set to expire on July 31, 2010.
3. By letter dated February 3, 2010, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Bryant notifying her that an informal conference would be held on March 8, 2010. The Notice was sent by certified and first class mail to Rt. 3, Box 966, Newcastle, Virginia 24127, the address of record on file with the Board of Nursing. The certified and first class mail were returned to the Board office marked "return to sender; unable to forward." The Notice was also sent to

3521 Valley View Avenue, Roanoke, Virginia 24012, a secondary address. The certified mail receipt was signed on February 5, 2010. The Notice sent by first class mail was not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Bryant and the informal conference proceeded in her absence.

4. Ms. Bryant suffers from a mental illness which requires medication and treatment and for which she was hospitalized from August 19-24, 2009. Ms. Bryant was discharged to a day treatment program; however, she failed to complete the program. She was diagnosed with bipolar disorder, post traumatic stress disorder and panic disorder. On November 13, 2009, during an interview with an investigator from the Department of Health Professions, Ms. Bryant's psychiatrist, whom she has been seeing for six years, reported that Ms. Bryant cannot safely practice nursing due to extreme vulnerability to decompensate under the stress of nursing. He did not recommend that she be allowed to practice under restrictions of any kind because she is more likely to self-destruct, and there is a possibility of harm to her patients.

5. Investigative information revealed Ms. Bryant was currently employed as a practical nurse at Avante of Roanoke, where she works a 16-hour shift on weekends and an 8-hour shift on Tuesdays.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-076795 of Mary W. Bryant, C.N.A., L.P.N., to practice practical nursing is INDEFINITELY SUSPENDED.
2. Certificate No. 1401-114973 of Mary W. Bryant, C.N.A., L.P.N., to practice as a nurse

aide is INDEFINITELY SUSPENDED.

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

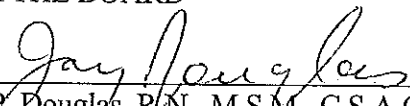
4. At such time as Ms. Bryant shall petition the Board for reinstatement of her license or certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a practical nurse and/or as a nurse aide. Ms. Bryant shall be responsible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

5. This suspension applies to any multistate privilege to practice practical nursing.

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.

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



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

Entered: May 27th, 2010

Certified True Copy

By 

Virginia Board of Nursing