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VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
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November 8, 2011

Byron Wayne Wilmoth
888 Luna Lake Road
Danville, VA 24541

CERTIFIED MAIL

**DUPLICATE COPY
VIA FIRST CLASS MAIL**

DATE 11/8/11

RE: License No.: 0001-211266

Dear Mr. Wilmoth,

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered November 8, 2011. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Board of Nursing at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Arne W. Owens, Chief Deputy Director
Department of Health Professions

Enclosures
Case # 141566

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: BYRON WAYNE WILMOTH, R.N.
License No.: 0001-211266**


ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Arne W. Owens, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Byron Wayne Wilmoth, R.N., to practice nursing in the State of Florida was suspended by a Final Order entered August 30, 2011. A certified copy of the Final Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Byron Wayne Wilmoth, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Byron Wayne Wilmoth, R.N., will be recorded as suspended and no longer current. Should Mr. Wilmoth seek reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Arne W. Owens, Chief Deputy Director
Department of Health Professions

ENTERED: 11/8/2011



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions

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CERTIFICATION OF DUPLICATE RECORDS

I, Arne W. Owens, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Final Order entered August 30, 2011, regarding Byron Wayne Wilmoth, R.N., is a true copy of the records received from the State of Florida Board of Nursing.



Date: 11/8/2011

Arne W. Owens

STATE OF FLORIDA
BOARD OF NURSING

Final Order No. DOH-11-2154-FOI-MQA
FILED DATE 8.31.11
Department of Health

Angelo Sandoz
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2010-09450

License No.: RN 9286078

BYRON WAYNE WILMOTH,

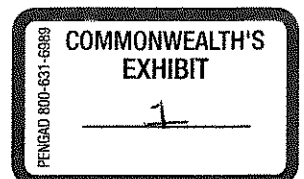
Respondent.

FINAL ORDER

This matter appeared before the Board of Nursing at a duly-noticed public meeting on August 5, 2011 in Tampa, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Service of the Administrative Complaint was made upon Respondent by publication. Respondent has not filed an Election of Rights. Petitioner has filed a Motion for Determination of Waiver and Entry of Final Order. Petitioner was represented by William Miller, Assistant General Counsel, Florida Department of Health. Respondent was not present.

FINDINGS OF FACT

Since the licensee has not replied to the Administrative Complaint nor contested the factual allegations, the prosecuting



attorney offered the investigative file to prove the facts as alleged. The investigative file was received into evidence and the Board finds the uncontested facts adequately support the allegations. Therefore, the Board adopts as its finding of facts the facts set forth in of the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 464.018(1)(h), (j), Florida Statutes.

The Board is empowered by Sections 464.018(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

The licensee must pay investigative costs of \$2,471.64 within 36 months of the date this Final Order is filed. Payment shall be made to the Board of Nursing and mailed to, DOH- Compliance Management Unit, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3276, Attention: Nursing Compliance Officer.

Payment must be made by cashier's check or money order ONLY.

Personal checks will **NOT** be accepted.

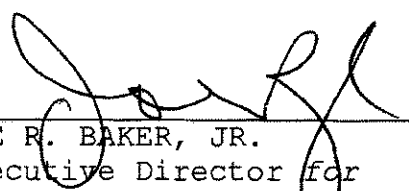
The license of BYRON WAYNE WILMOTH is suspended and shall remain suspended until such time that he enters into the Intervention Project for Nurses (IPN) and complies with any and all terms and conditions imposed by IPN. At such time the suspension shall be stayed and remain stayed as long as the

licensee participates in the IPN. It is the duty of the licensee to contact the IPN at P.O. Box 49130, Jacksonville Beach, Florida 32249-9130, (904) 270-1620 within 30 days from the date of entry of this order. The licensee shall comply with all conditions of the IPN Advocacy Contract or he will be in violation of the Board Order. Termination from IPN shall result in the immediate lifting of the stay of suspension. Reinstatement will require compliance with all terms and conditions set forth in any previous Board Order, and the licensee's appearance before the Board to demonstrate his present ability to engage in the safe practice of nursing. The Board reserves the right to impose reasonable conditions of reinstatement at the time of appearance before the Board.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 30th day of Aug, 2011.

BOARD OF NURSING



JOE R. BAKER, JR.
Executive Director for
Jessie Colin, RN, PhD, CHAIR

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by

filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **BYRON WAYNE WILMOTH**, 6124 Palomino Circle, Bradenton, FL 34201 and Jean D'Aprix, IPN P.O. Box 49130, Jacksonville Beach, Florida 32240-9130; by interoffice mail to **Lee Ann Gustafson**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and **William Miller**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 on this 31st day of Dec., 2011.

Angel Sanders

Deputy Agency Clerk

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