

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: SANDRA AVERY, L.P.N.  
License No.: 0002-078971**

**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 February 13, 2013, in Henrico County, Virginia. Sandra Avery, L.P.N., was not present nor was she represented by legal counsel. Janet Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Avery 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. Sandra Avery, L.P.N., was issued License No. 0002-078971 to practice practical nursing by the Virginia Board of Nursing on September 3, 2008. Said license is set to expire on June 30, 2014. Her primary state of residence is Virginia.

2. By letter dated January 14, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Avery notifying her that an informal conference would be held on February 13, 2013. The Notice was sent by certified and first class mail to 32 Mizzen Circle, Hampton, Virginia 23664, 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 Agency Subordinate concluded that adequate notice was provided to Ms. Avery, and the informal conference proceeded in her absence.

3. During the course of her employment with CTR Corporation, Newport News, Virginia, and on temporary assignment with Oyster Point Family Practice, Newport News, Virginia, on July 23, 2012, Ms. Avery was observed slurring her words and falling asleep at her desk. As a result, she submitted to a drug screen that was positive for ethanol with a blood alcohol content of 0.23.

4. CTR Corporation terminated Ms. Avery's employment as a result of the above incident.

5. On April 28, 2010, Ms. Avery was convicted of driving while intoxicated, first offense, in the Hampton, Virginia, General District Court.

6. Ms. Avery's family members informed the Department of Health Professions investigator that Ms. Avery is no longer living at her address of record. The investigator sent certified mail to Ms. Avery's new address and left a message for her on her telephone. Ms. Avery did not respond to any of the investigator's attempts to contact her. No additional employment information is available.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

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. License No. 0002-078971 of Sandra Avery, L.P.N., is INDEFINITELY SUSPENDED.

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


3. At such time as Ms. Avery 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. Avery 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.

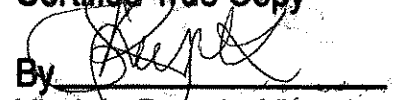
Since Ms. Avery failed to appear at the informal conference, this Order shall be considered final. Ms. Avery has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Avery has thirty (30) days from the date of 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:

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

Entered: June 7, 2013

**Certified True Copy**

By   
**Virginia Board of Nursing**