

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SHIRLEY A. PERRY, R.N.
License No.: 0001-154147

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 June 17, 2014, in Henrico County, Virginia. Shirley A. Perry, R.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 September 30, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Perry 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. Shirley A. Perry, R.N., was issued License No. 0001-154147 to practice professional nursing in Virginia on July 1, 1997. The license is scheduled to expire on November 30, 2014. Her primary state of residence is Virginia.

2. By letter dated May 14, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Perry notifying her that an informal conference would be held on June 17, 2014. The Notice was sent by certified and first class mail to 4750 Blue Jay Way, Charlottesville, Virginia 22911, the address of record on file with the Board of Nursing. The certified mail receipt was signed on May 20, 2014. The first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Perry and the informal conference proceeded in her absence.

3. During the course of her employment with the UVA Health System, Charlottesville, Virginia, on January 16, 2014, while on duty, Ms. Perry was observed to have red eyes and a disheveled appearance and she smelled of alcohol. A for-cause drug screen was performed and was positive for alcohol, with a result of 0.242.

4. Ms. Perry was employed at UVA Health System from January 9, 2000 to January 21, 2014, when she resigned.

5. Information on the Health Practitioners' Monitoring Program ("HPMP") was provided to Ms. Perry by her nurse manager and was mailed to her by the Department of Health Professions ("DHP") investigator. As of the date of the informal conference, Ms. Perry was not enrolled in the HPMP.

6. Ms. Perry did not respond to the DHP investigator's request for an interview.

CONCLUSIONS OF LAW

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

ORDER

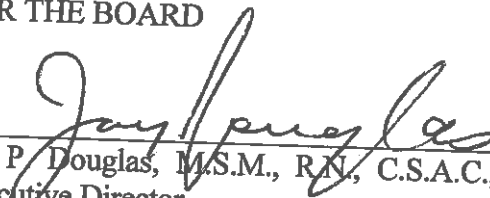
WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-154147 of Shirley A. Perry, R.N., is INDEFINITELY SUSPENDED.
 2. The license will be recorded as suspended and no longer current.
 3. At such time as Ms. Perry 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 professional nursing. Ms. Perry 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 professional 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. Perry failed to appear at the informal conference, this Order shall be considered final. Ms. Perry 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. Perry 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, M.S.M., R.N., C.S.A.C., F.R.E., 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, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: October 1ST, 2014

Certified True Copy

By U. Robinson-Holmes
Virginia Board of Nursing

10-1-2014