

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: PAUL M. COLTON, R.N.
License Number: 0001-233424
Case Number: 180336

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Paul M. Colton, R.N., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Mr. Colton's license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Paul M. Colton, R.N., was issued License Number 0001-233424 to practice professional nursing on August 31, 2011, which is scheduled to expire on June 30, 2019. Mr. Colton was also issued License Number 0024-170972 to practice as a nurse practitioner in the area of psychiatry and mental health on July 2, 2013, which is scheduled to expire on June 30, 2019. Mr. Colton was also issued Authorization to Prescribe Number 0017-141152 on March 20, 2014, which is scheduled to expire on June 30, 2019. His primary state of residence is Virginia.
2. By Consent Order of the Board entered January 13, 2015, the Board reprimanded Mr. Colton based on findings that he had prescribed medications without holding an authorization to prescribe in Virginia.
3. On March 13, 2017, the New York Board of Regents accepted Mr. Colton's application to surrender his license to practice as a registered professional nurse in the State of New York in lieu of disciplinary action. At the time, the New York State Education Department, Office of Professional Discipline, State Board for Nursing, had brought disciplinary action against Mr. Colton based on the

Virginia Board of Nursing's Consent Order. On July 18, 2017, the Virginia Department of Health Professions suspended Mr. Colton's license to practice professional nursing in Virginia pursuant to Virginia Code § 54.1-2409, based on the action of the New York Board of Regents.

4. The matter of the reinstatement of Mr. Colton's license to practice professional nursing in the Commonwealth of Virginia is properly before the Board.

CONSENT

Paul M. Colton, R.N., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to a formal administrative hearing before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive my right to a formal hearing;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my licensure to practice professional nursing in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS that the license of Paul M. Colton, R.N., to practice professional nursing in Virginia is REINSTATED without restriction.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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

Joyce A. Hahn

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President
Virginia Board of Nursing

ENTERED: 7/18/17

SEEN AND AGREED TO:

Paul M. Colton
Paul M. Colton, R.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Fredericksburg, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
3 day of July, 2017.

Dakota White
Notary Public

My commission expires: 08/31/2018

Registration No.: 7604922

Certified True Copy
By dgraham
Virginia Board Of Nursing

DAKOTA NICOLE WHITE
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUG. 31, 2018
COMMISSION # 7604922

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: PAUL M. COLTON, R.N.
License Number: 0001-233424
Case Number: 180336

ORDER OF MANDATORY SUSPENSION

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the New York State Board of Regents accepted the application of Paul M. Colton, R.N., to surrender his license to practice as a registered professional nurse in the State of New York on lieu of disciplinary action. A certified copy of the Original Vote and Order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Paul M. Colton, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Paul M. Colton, R.N., will be recorded as suspended and no longer current and valid. Should Paul M. Colton, R.N., seek reinstatement of his license pursuant to Virginia Code § 54.1-2409, he shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Paul M. Colton, R.N.'s multistate licensure privilege, if any, to practice nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, 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 or copying on request.



David E. Brown, D.C., Director
Virginia Department of Health Professions

Certified True Copy

By 
Virginia Board Of Nursing

ENTERED:

7/18/17

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Original Vote and Order entered March 13, 2017, regarding Paul M. Colton, R.N., is a true copy of the records received from the New York State Education Department, Office of the Professions, Division of Professional Licensing Services.



David E. Brown, D.C.

Date: 7/18/17



DHP

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,
NY 12230

OFFICE OF THE PROFESSIONS
DIVISION OF PROFESSIONAL LICENSING SERVICES
Public Information Unit
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E-mail: DPLSDSU@MAIL.NYSED.GOV

RECEIVED
MAY 08 2017
ENFORCEMENT

STATE OF NEW YORK)

SS:

COUNTY OF ALBANY)

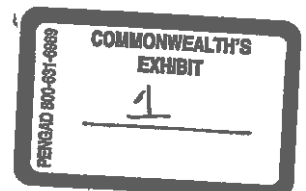
In accordance with the Civil Practice Law and Rules Article 45, I, Cathy Hanczaryk, Principal Clerk in the Division of Professional Licensing Services of the New York State Education Department, have caused this certificate to be prepared. I certify that I have legal custody of the official original records of the Division of Professional Licensing Services and I attest that the attached are true, complete and correct copies of the original documents in our files relating to the licensure of PAUL M COLTON.

Witness my hand and the seal of the New York State Education Department this 21 April, 2017.



Cathy Hanczaryk
Cathy Hanczaryk, Office Assistant 3
Professional Licensing Services

DATED
04/21/2017





The University of the State of New York

IN THE MATTER

OF

PAUL M. COLTON
(Registered Professional Nurse)
(Nurse Practitioner-(Psychiatry))

ORIGINAL
VOTE AND ORDER
NOS. 29439 & 29440

Upon the application of PAUL M. COLTON, under Calendar Nos. 29439 & 29440, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (March 13, 2017): That the application of PAUL M. COLTON, respondent, for permission to surrender respondent's license to practice as a registered professional nurse and to surrender respondent's certificate to practice as a nurse practitioner (psychiatry) in the State of New York be granted; and that the Deputy Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

PAUL M. COLTON (29439 & 29440)

IN WITNESS WHEREOF, I, Douglas E. Lentivech, Deputy Commissioner for the Professions, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand, at the City of Albany, this 13th day of March, 2017.



DOUGLAS E. LENTIVECH
DEPUTY COMMISSIONER
FOR THE PROFESSIONS

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

PAUL M. COLTON

APPLICATION
TO SURRENDER
LICENSE

CAL. NOS.

who is currently licensed to practice as
a(n) registered professional nurse in the
State of New York and who is currently
certified to practice as a nurse
practitioner (psychiatry) in the
State of New York.

29439 (R.N.)
29440 (N.P.)

-----X

PAUL M. COLTON states:

That on or about February 22, 1999 I was licensed to practice
as a registered professional nurse in the State of New York,
having been issued license No. 504869 by the New York State
Education Department.

That on or about July 15, 2010 I was certified to practice as
a nurse practitioner (psychiatry) in the State of New York, having
been issued certificate number 401313 by the New York State
Education Department.

I am currently registered with the New York State Education
Department to practice as a registered professional nurse and as a
nurse practitioner (psychiatry) in the State of New York from an
address at: 7571 Muscoe Place, King George, Virginia 22485-0508.

PAUL M. COLTON

That I have been charged with one (1) specification of professional misconduct, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the Board of Regents for permission to surrender my license to practice as a registered professional nurse and my certificate to practice as a nurse practitioner (psychiatry) in the State of New York on the grounds that I admit guilt to the aforesaid specification of professional misconduct, charging me with practicing the profession of nursing as a nurse practitioner beyond its authorized scope (prescribing approximately 33 controlled medications without holding an authorization to prescribe in Virginia).

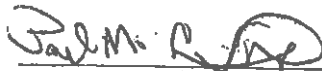
I hereby make this application to the Board of Regents and request that it be granted.

I understand that in the event the application is denied by the Board of Regents, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

PAUL M. COLTON

I agree that in the event the Board of Regents grants my application, an Order may be issued striking my name from the rosters of registered professional nurses and nurse practitioners in the State of New York without further notice to me. I understand that if and when the Board of Regents grants this application, the entire application shall become a matter of public record.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



Respondent

EXHIBIT "A"

PAUL M. COLTON

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with practicing the profession of nursing as a nurse practitioner beyond its authorized scope, within the purview and meaning of New York Education Law section 6509(2), in that:

On or about December 30, 2014, Respondent entered into a Consent Order with the Virginia Board of Nursing in which he admitted to prescribing approximately 33 controlled substances without holding an authorization to prescribe in the Commonwealth of Virginia between October 18, 2013 and March 20, 2014, while employed as a nurse practitioner with Virginia Commonwealth University Health System, Richmond, Virginia

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X
IN THE MATTER

of the

Disciplinary Proceeding

against

PAUL M. COLTON

who is currently licensed to practice as
a(n) registered professional nurse in the
State of New York and who is currently
certified to practice as a nurse
practitioner (psychiatry) in the
State of New York.

APPLICATION
TO SURRENDER
LICENSE

CAL. NOS.

29439 (R.N.)
29440 (N.P.)

-----X
The undersigned agree to the Application to Surrender.

Dated: , 2016


Respondent

ATTORNEY SIGNATURE NOT REQUIRED;
RESPONDENT APPEARED PRO SE.

Dated: , 2016

Attorney for Respondent

Dated: 2/11 , 2017


Director
Office of Professional Discipline

/sbt



The University of the State of New York

X-----X

IN THE MATTER

OF

Paul M. Colton

REGISTERED PROFESSIONAL NURSE / N.P. (PSYCHIATRY)

X-----X

STATE OF NEW YORK)
) SS.:
COUNTY OF ALBANY)

I, Patricia Deerfield, being duly sworn, deposes and says:

I am over the age of twenty-one years and am an employee of the New York State Education Department, Office of Professional Discipline, 80 Wolf Road, Suite 204, Albany, New York 12205-2643.

On the 24 day of March, 2017, I personally delivered to the Stuyvesant Plaza Post Office the Duplicate Original Vote of the Board of Regents and Order under Calendar No. 29439, 29440 and the Report of the Regents Review Committee or Application for Consent or Surrender, or Report of the designated Regent in a summary suspension proceeding as applicable, by Certified Mail - Return Receipt Requested to the respondent herein named at 7571 Muscoe Place King George, VA 22485-0508.

Certified Mail Receipt No: 7015 1520 0001 2067 2740

The effective date of the Order being the 29 day of March, 2017.

Sworn to before me this
24th day of March, 2017

Connie F. Mitchell

Patricia Deerfield

CONNIE F. MITCHELL
Notary Public, State of New York
No.: 01M15018171
Qualified in Schoharie County
Commission Expires: 09/20/17