

JUL 11 2017

IN RE: LAURA KATE BURGESS, R.N.
License Number: 0001-204133
Case Number: 175304

VA BD OF NURSING

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Laura Kate Burgess, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Burgess's license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Laura Kate Burgess, R.N., was issued License Number 0001-204133 to practice professional nursing on October 11, 2006, which is scheduled to expire on June 30, 2018. Her primary state of residence is Virginia.
2. Laura Kate Burgess, R.N., violated Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c) effective February 24, 2017), in that during the course of her employment with Riverside Regional Medical Center, Newport News, Virginia, for approximately two years prior to August 8, 2016, Ms. Burgess sought out Labor and Delivery patients who were ordered Stadol (butorphanol, IV), and diverted the medication for her own personal and unauthorized use. Ms. Burgess achieved this diversion by removing Stadol from the Pyxis for patients who had not requested the medication and keeping the medication for herself. Also, she failed to waste the medication left in vials.

3. Ms. Burgess violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to mental illness and substance abuse, as evidenced by the following:

a. Ms. Burgess suffers with anxiety and depression, which has led her to increase her consumption of alcohol.

b. On August 10, 2016, Ms. Burgess was voluntarily admitted to VCU Medical Center, Richmond, Virginia, and diagnosed with major depressive disorder, opioid use disorder and alcohol use disorder.

c. On August 22, 2016, Ms. Burgess entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"), in which she acknowledged that she may suffer from the disease of alcoholism, chemical dependency, and physical and/or mental illness that impairs her ability to practice nursing.

d. On October 20, 2016, the HPMP accepted Ms. Burgess' resignation from the program. At the time of her resignation, Ms. Burgess was compliant with her Participation Contract.

4. On May 25, 2017, Ms. Burgess re-entered the HPMP. She signed a new Participation Contract on May 17, 2017.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Burgess's health records or health services.

CONSENT

Laura Kate Burgess, R.N., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Nathan C. Mortier, Esq.;

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 an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
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 as follows:

1. The Board shall TAKE NO ACTION at this time, contingent upon Ms. Burgess's compliance with the following terms and conditions:
 - a. Laura Kate Burgess, R.N., shall continue to comply with all terms and conditions of her Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified in the Contract.
 - b. Upon receipt of evidence of Ms. Burgess's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Burgess's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.


c. This Order is applicable to Ms. Burgess's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Burgess shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

d. Ms. Burgess shall comply with all laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

2. Failure to comply with the terms and conditions of this Order shall constitute grounds for an administrative proceeding before the Board.

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


Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: July 17th, 2017

Certified True Copy

By 
Virginia Board of Nursing

SEEN AND AGREED TO:


Laura Kate Burgess, R.N.

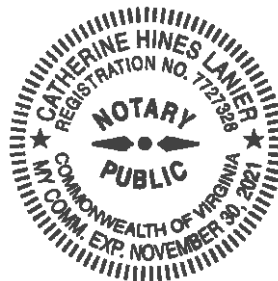
COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Williamsburg, TO WIT:


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


Notary Public

My commission expires: Nov 30, 2021

Registration No.: 7727328



Certified True Copy
By 
Virginia Board of Nursing