

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:        PAUL HOWARD WERBIN, R.N.**  
**License Number:    0001-090514**  
**Case Number:        177106, 177107**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Nursing ("Board") and Paul Howard Werbin, 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. Werbin's license to practice professional nursing in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Paul Howard Werbin, R.N., was issued License Number 0001-090514 to practice professional nursing on August 26, 1983, which was summarily suspended by the Board on January 27, 2017. His primary state of residence is Virginia.
2. On September 26, 1989, the Board entered an Order placing Mr. Werbin on probation for two years after making a finding that he had diverted Sufenta (C-II) and fentanyl (C-II) for his personal and unauthorized use during the course of his employment with Sentara Norfolk General Hospital and Leigh Memorial Hospital, Norfolk, Virginia, and self-administered these medications while on duty. Further, the Board made a finding that Mr. Werbin had an opioid dependence.
3. Mr. Werbin 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 ("Regulations") (currently found at 18 VAC 90-19-230(A)(2)(c), effective February 24, 2017) in that on October 28, 2016, while contracted to provide anesthesia services during a dental procedure at Goodove Oral Surgery,

Chesapeake, Virginia, Mr. Werbin was found passed out in a facility bathroom with a wet bloody paper towel and a white tourniquet on the sink. Mr. Werbin, whose eyes were glassy and dilated when he was found, had two syringes in his pocket, and his personal bag contained a vial of fentanyl (C-II) that had been removed from The Hague Center for Cosmetic and Plastic Surgery, Norfolk, Virginia, without authorization or justification, a vial of propofol that had been removed from the Virginia Beach Eye Center without authorization or justification, a vial of midazolam (C-IV), and a vial of glycopyrrolate.

4. Mr. Werbin violated Virginia Code § 54.1-3007(2), (5) and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(c), effective February 24, 2017) in that on April 19, 2016, he diverted two vials of fentanyl from The Hague Center for Cosmetic and Plastic Surgery, and on an unknown date, he diverted a vial of propofol bearing the lot number 1FEB2018/50172DJ from the Virginia Beach Eye Center, for his unauthorized use.

5. Mr. Werbin has expressed his willingness to enter the Virginia Health Practitioners' Monitoring Program.

### CONSENT

Paul Howard Werbin, 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 and am represented by Jon Babineau, 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.* and Va. Code § 54.1-2408.1;

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 as follows:

1. The license issued to Paul Howard Werbin, R.N., to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Paul Howard Werbin, R.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Paul Howard Werbin, R.N., seek reinstatement of his license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Mr. Werbin to demonstrate that he is safe and competent to return to the practice of professional nursing. Mr. Werbin shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.
5. The suspension shall be STAYED upon proof of Mr. Werbin's entry into the Virginia Health Practitioners' Monitoring Program ("HPMP").

6. Upon a stay of the suspension, Mr. Werbin shall comply with all terms and conditions of the Virginia HPMP for the period specified by the Virginia HPMP.

7. Upon receipt of evidence of Mr. Werbin's participation in and successful completion of the terms specified by the Virginia HPMP, the Board, at its discretion, may waive Mr. Werbin's appearance before the Board and conduct an administrative review of this matter, at which time he may be issued an unrestricted license to practice professional nursing.

8. This Order is applicable to Mr. Werbin's multistate licensure privileges to practice professional nursing. For the duration of this Order, Mr. Werbin 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 he seeks to work. Any requests for out-of-state employment should be directed, in writing, to the Executive Director of the Board.

9. Mr. Werbin shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

10. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Mr. Werbin and the license shall be recorded as suspended. After any rescission of the stay of suspension, Mr. Werbin may, within thirty-three (33) days of the effective date of the rescission, request a formal administrative hearing 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  
Jay Douglas, M.S.M., R.N., C.S.A.C., P.R.E.  
~~Executive Director~~ Board President  
Virginia Board of Nursing

ENTERED: May 16, 2019

SEEN AND AGREED TO:

Paul Howard Werbin  
Paul Howard Werbin, R.N.

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

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this  
15th day of May, 2019.

Michele B. Wisenauer  
Notary Public

My commission expires: 4-30-19

Registration No.: 7502269



Certified True Copy

By dgraham  
Virginia Board Of Nursing