

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: DAVID MARK MERCER, R.N.**  
**License Number: 0001-135542**  
**Case Number: 173841**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. David Mark Mercer, R.N., was issued License Number 0001-135542 to practice professional nursing on October 18, 1993, which is scheduled to expire on April 30, 2017. Mr. Mercer was also issued License Number 0024-167069 to practice as a nurse practitioner on August 18, 2006, which is scheduled to expire on April 30, 2017. His primary state of residence is Virginia.
2. During the course of his employment as a nurse practitioner with the University of Virginia Health System, Charlottesville, Virginia:
  - a. Mr. Mercer violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(m) and (p) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(2)(m) and (p), effective February 24, 2017) in that from March 14, 2016 to April 6, 2016, he disclosed protected health information of numerous patients to a sales representative of a pharmaceutical company.
  - b. Mr. Mercer violated Virginia Code §§ 54.1-3007(5), 54.1-3302 and 54.1-3420.2(B) in that:

i) In February 2016, Mr. Mercer ordered sample tubes of Regranex Gel (becaplermin, C-VI) directly from a vendor's sales representative and had the samples delivered to his home address, without a pharmacy license, permit or registration and without the knowledge or authorization of the medical center's pharmacy department. Further, Mr. Mercer stored the samples in an uncontrolled environment in his home refrigerator and in the employee refrigerator at work.

ii) On April 4, 2016, Mr. Mercer ordered a three-month supply of Collagenase SANTYL ointment (C-VI) directly from a vendor's sales representative without a pharmacy license, permit or registration and without informing the medical center's pharmacy department.

iii) On four occasions from March 4, 2016 to March 15, 2016, Mr. Mercer documented administering Regranex (becaplermin, C-VI) to a patient in the outpatient clinic; however, he failed to document an order in the patient's medical records to include the medication name, strength, dosage amount, frequency and duration. On March 8, 2016, Mr. Mercer documented that a family member would continue with the Regranex; however, he failed to document that the patient was supplied a sample and any prescribing information.

### CONSENT

David Mark Mercer, 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 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. David Mark Mercer, R.N., is REPRIMANDED.
2. David Mark Mercer, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

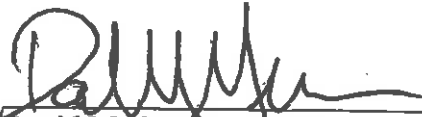
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

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

ENTERED: April 26<sup>TH</sup>, 2017

SEEN AND AGREED TO:

  
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David Mark Mercer, R.N.

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


Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this  
18<sup>th</sup> day of APRIL, 2017.

  
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Notary Public

My commission expires: 03/31/2018

Registration No.: 7587797

Christopher A. Nelson  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. # 7587797  
My Commission Expires March 31, 2018

Certified True Copy  
By   
\_\_\_\_\_  
Virginia Board of Nursing