

**BEFORE THE VIRGINIA BOARD OF NURSING**

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

**ORDER OF SUMMARY SUSPENSION**

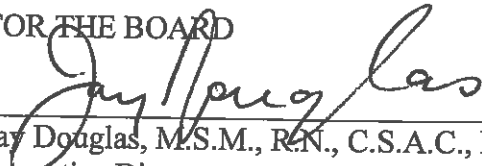
Pursuant to Virginia Code § 54.1-2408.1(A), a quorum of the Board of Nursing (“Board”) met on January 25, 2017. The purpose of the meeting was to receive and act upon information indicating that Paul Howard Werbin, R.N., may have violated certain laws relating to the practice of professional nursing in the Commonwealth of Virginia, as more fully set forth in the attached “Notice of Formal Administrative Hearing and Statement of Allegations,” which is attached hereto and incorporated by reference herein.

WHEREUPON, pursuant to its authority under Virginia Code § 54.1-2408.1(A), the Board concludes that a substantial danger to public health or safety warrants this action and **ORDERS** that the license of Paul H. Werbin, R.N., to practice professional nursing in the Commonwealth of Virginia is **SUSPENDED**. It is further **ORDERED** that a hearing be convened within a reasonable time of the date of entry of this Order to receive and act upon evidence in this matter.

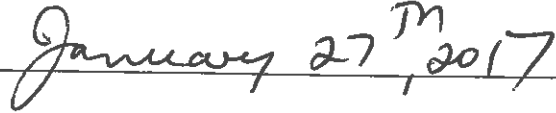
This Order shall be applicable to Mr. Werbin’s multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

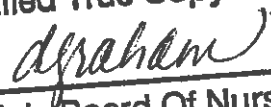
Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

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

ENTERED AND MAILED ON:

  
\_\_\_\_\_  
January 27<sup>th</sup>, 2017

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

**BEFORE THE VIRGINIA**

**COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE**

**IN RE:        PAUL HOWARD WERBIN, L.N.P.**  
**License Number: 0024-090514**  
**Case Numbers: 177106, 177107**

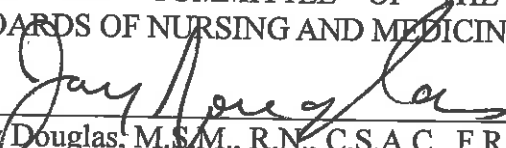
**ORDER OF SUMMARY SUSPENSION**

Pursuant to Virginia Code § 54.1-2408.1(A), a quorum of the Committee of the Joint Boards of Nursing and Medicine (“Committee of the Joint Boards”) met on January 25, 2017. The purpose of the meeting was to receive and act upon information indicating that Paul Howard Werbin, L.N.P., may have violated certain laws relating to the practice of a nurse practitioner in the Commonwealth of Virginia, as more fully set forth in the attached “Notice of Formal Administrative Hearing and Statement of Allegations,” which is attached hereto and incorporated by reference herein.

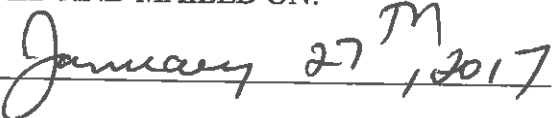
WHEREUPON, pursuant to its authority under Virginia Code § 54.1-2408.1(A), the Committee of the Joint Boards concludes that a substantial danger to public health or safety warrants this action and **ORDERS** that the license of Paul H. Werbin, L.N.P., to practice as a nurse practitioner in the Commonwealth of Virginia is **SUSPENDED**. It is further **ORDERED** that a hearing be convened within a reasonable time of the date of entry of this Order to receive and act upon evidence in this matter.

Pursuant to Virginia Code § 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.

FOR THE COMMITTEE OF THE JOINT  
BOARDS OF NURSING AND MEDICINE

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

ENTERED AND MAILED ON:

  
\_\_\_\_\_  
January 27<sup>th</sup>, 2017

Certified True Copy

By   
\_\_\_\_\_  
Virginia Board Of Nursing

**BEFORE THE VIRGINIA BOARD OF NURSING AND COMMITTEE OF THE JOINT  
BOARDS OF NURSING AND MEDICINE**

**IN RE: PAUL HOWARD WERBIN, R.N., L.N.P.**  
**R.N. License Number: 0001-090514**  
**Issue Date: August 26, 1983**  
**Expiration Date: April 30, 2017**

**L.N.P. License Number: 0024-090514**  
**Issue Date: March 12, 1987**  
**Expiration Date: April 30, 2017**  
**Case Numbers: 177107, 177106**

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**NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing (“Board”) and the Committee of the Joint Boards of Nursing and Medicine (“Committee of the Joint Boards”) regarding your licenses to practice professional nursing and to practice as a nurse practitioner in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board and the Committee of the Joint Boards.
<b>DATE AND TIME:</b>	<b>March 22, 2017 10:00 A.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board and Committee of the Joint Boards are authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;

- Place you on probation and/or under terms and conditions;
- Suspend your licenses;
- Revoke your licenses.

#### **ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the formal hearing, the Board and Committee of the Joint Boards may proceed to hear this matter in your absence and may take any of the actions outlined above.

#### **RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Board and Committee of the Joint Boards will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

#### **COMMONWEALTH'S EXHIBITS:**

Enclosed is a copy of the documents that will be distributed to the members of the Board and Committee of the Joint Boards and will be considered by the Board and the Committee of the Joint Boards when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

#### **FILING DEADLINES:**

1. Deadline for filing exhibits: **February 10, 2017**. Submit 15 copies of all documents you want the Board and the Committee of the Joint Boards to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **February 15, 2017**. If no objections have been received by **February 15, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board and Committee of the Joint Boards as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **February 20, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: **February 10, 2017**. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **February 10, 2017**. If you have not filed any objections by **February 10,**

2017, the exhibits will be distributed to the Board and the Committee of the Joint Boards members for their review prior to your hearing, and will be considered by the Board and the Committee of the Joint Boards as evidence when it deliberates upon your case. If you do file objections, the Commonwealth has until **February 10, 2017**, to file a response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

#### **OTHER PRE-HEARING MOTIONS**

If you or Adjudication Specialist David Kazzie desire to make any pre-hearing motions regarding matters other than the exhibits, including offers of settlement, each of you is directed to file motions, in writing, addressed to Darlene Graham at the Board office by **February 10, 2017**. Responses to motions filed must be submitted by **February 10, 2017**. The Chair of the proceeding will rule on the motion.

#### **REQUEST FOR A CONTINUANCE**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **February 10, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **February 10, 2017**.

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**STATEMENT OF ALLEGATIONS**

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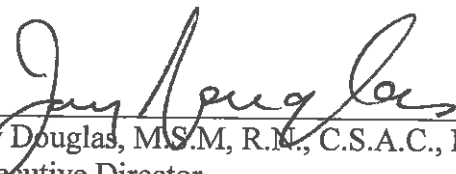
The Board alleges that:

1. At all times relevant hereto, Paul Howard Werbin, R.N., L.N.P., L.N.P., was licensed to practice professional nursing and to practice as a nurse practitioner in the category of a certified registered nurse anesthetist in the Commonwealth of Virginia.

2. 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 (“R.N. Regulations”) and 18 VAC 90-30-220(5) of the Regulations Governing the Licensure of Nurse Practitioners (“L.N.P. Regulations”) in that on or about 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.

3. Mr. Werbin violated Virginia Code § 54.1-3007(2), (5) and (6), 18 VAC 90-20-300(A)(2)(c) of the R.N. Regulations and 18 VAC 90-30-220(5) and (6) of the L.N.P. Regulations in that on or about 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 personal and unauthorized use.





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

January 27<sup>th</sup>, 2017  
Date