

0024090514

(Case # 89-00172)

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: PAUL H. WERBIN, R.N., C.R.N.A.

CONSENT ORDER

After a Special Conference held on June 23, 1989, pursuant to §§ 54.1-110 and 54.1-3010 of the Code of Virginia (1950), as amended, which conference was properly noticed and attended by the parties hereto, the Virginia Board of Nursing and Paul H. Werbin, R.N., C.R.N.A., enter into the following Consent Order.

FINDINGS OF FACT

1. Paul H. Werbin, R.N., C.R.N.A., holds License No. 0001-090514, issued by the Virginia Board of Nursing, and Certificate No. 0001-090514, issued by the Committee of the Joint Boards of Medicine and Nursing.

2. From on or about August, 1987 to August, 1988, while employed at Sentara Norfolk General Hospital and Leigh Memorial Hospital, Norfolk, Virginia, he diverted Sufenta and Fentanyl, Schedule II controlled substances, for his personal, unauthorized use, and self-administered same while on duty.

3. From on or about August 24, 1988 to September 16, 1988, he received inpatient treatment at Peninsula Hospital, Hampton, Virginia, with a discharge diagnosis of opioid dependence (Sufenta). He was transferred into Professional Health

Foundation, Hampton, Virginia, on or about September 16, 1988 to on or about December 9, 1988, and subsequently entered into a two-year aftercare program.

4. On or about January 4, 1989, he resumed practice as a nurse anesthetist with Julius J. Snyder, M.D. and Associates, Inc. with a Re-Entry Contract. His performance is monitored by Russell Gibson, M.D., and has been highly satisfactory.

5. He has submitted to supervised random drug screens on or about January 16, 1989, January 19, 1989, January 26, 1989, February 9, 1989, February 27, 1989, May 12, 1989 and May 19, 1989, with all negative results.

6. By his testimony before the Special Conference Committee, he attends Alcoholics Anonymous and Caduceus five to six times weekly and stated his sobriety date to be August 24, 1988.

CONCLUSIONS OF LAW

The Board concludes that the Finding of Fact 2 constitutes violations of §§ 54.1-3007 (2), (5) and (6) of the Code of Virginia (1950), as amended, and §§ 4.1B (3) and (5) of the Board of Nursing Regulations.

CONSENT

Paul H. Werbin, R.N., C.R.N.A., by affixing his signature hereon, agrees to the following:

1. He acknowledges that he has been specifically advised to seek advice of counsel prior to signing this document.
2. He acknowledges that he is fully aware that, without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia (1950), as amended;
3. He acknowledges that he has the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against him;
4. He waives all such rights to a formal hearing;
5. He admits to the above Findings of Fact; and
6. He consents to the entry of the following Order affecting his license to practice nursing in the Commonwealth of Virginia.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that License No. 0001-090514, issued to Paul H. Werbin, R.N., C.R.N.A., by the Virginia Board of Nursing, be placed on PROBATION with the following terms and conditions:

1. The probationary period shall commence on the date of entry of this Consent Order and will end upon completion of two (2) years of employment as a registered nurse.

2. Paul H. Werbin, R.N., shall inform the Board of any change of employment including the name and address of the new employer as well as the date he began work. He shall inform the Board of any interruption in nursing practice.

3. Paul H. Werbin, R.N., shall inform his nursing employer and any prospective nursing employer that the Board has placed his license on probation. The Board may provide his employer with a copy of this Order and may communicate with his employer.

4. Paul H. Werbin, R.N., shall direct his nursing employer to submit a nursing performance evaluation to the Board every three (3) months, the first evaluation to be submitted the third month following the date of entry of this Order and continuing every three (3) months until the cessation of probation.

5. Paul H. Werbin, R.N., shall continue in treatment until discharged and shall direct the therapist to provide the Board with a quarterly progress report to include a diagnosis, recommended course of therapy and prognosis. The therapist shall submit a discharge summary when appropriate. The Board may provide his therapist with a copy of this Order and communicate with his therapist regarding his progress.

6. Paul H. Werbin, R.N., shall direct his therapist to notify the Board if he withdraws from the treatment program prior to discharge.

7. Paul H. Werbin, R.N., shall submit to supervised random drug screens and have all results sent to the Board quarterly. The first result shall be submitted to the Board the third month following the date of entry of this Order. Positive results shall be submitted immediately.

8. Paul H. Werbin, R.N., shall continue active participation in Alcoholics Anonymous or Narcotics Anonymous and Caduceus, with progress reports submitted quarterly from his sponsors to the Board.

9. Paul H. Werbin, R.N., shall abstain from the use of alcohol and all mood altering chemicals except as prescribed by a physician with whom he has established a bona fide physician/patient relationship and for accepted medicinal or therapeutic purposes. Should he be prescribed any controlled substances, a written report from the prescribing physician shall be submitted to the Board within ten (10) days of the prescribing thereof.

10. During the period of probation, Mr. Werbin shall submit quarterly reports to the Board which shall include his current address and current employment, if any. This report is due on the third month, and each quarter thereafter during the probationary period.

11. Paul H. Werbin, R.N., shall return all copies of his current license to practice professional nursing to the Board office within ten (10) days of the date of entry of this Consent Order. Upon receipt of the old license and a \$10.00 fee, the Board shall issue a new license marked PROBATION WITH TERMS.

12. Paul H. Werbin, R.N., shall maintain a course of conduct in his capacity as a registered nurse commensurate with the requirements of Title 54.1, Chapter 30, of the Code of Virginia (1950), as amended, and the Regulations of the Virginia Board of Nursing.

Any violation of the terms and conditions hereof shall constitute grounds for the revocation of the license of Paul H. Werbin, and a hearing shall be convened to determine whether his license shall be revoked.

FOR THE BOARD

Clementine S. Pollok
Clementine S. Pollok, R.N., Ph.D.
President

Entered: 9/26/89

Seen and Agreed to:

Paul H. Werbin, R.N.
Paul H. Werbin, R.N.

Subscribed and sworn to before me Karen L. Martin,
a Notary Public in and for the City/County of Norfolk,
Commonwealth of Virginia, by Paul H. Werbin, this 28th day
of August, 1989.

My Commission expires: 9-6-92

Karen L. Martin
Notary Public

RECEIVED: October 2, 1989

BY: *B. Henderson, Jr.*
Bernard L. Henderson, Jr. Director
Department of Health Professions