

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

KATHLEEN EMERSON SHUMATE

CONSENT ORDER

The Virginia Board of Nursing (the "Board") and Kathleen Emerson Shumate enter into the following Consent Order affecting Ms. Shumate's license to practice professional nursing.

FINDINGS OF FACT

1. Kathleen Emerson Shumate holds License No. 0001-106595, issued by the Virginia Board of Nursing.
2. During the course of Kathleen Emerson Shumate's employment with the University of Virginia Hospital ("UVAH"), Charlottesville, Virginia, by her own admission, between approximately December, 1992, and August 2, 1993, Ms. Shumate diverted between one (1) to four (4) tablets of Percocet, a Schedule II controlled substance, on a daily basis for her personal and unauthorized use both while on duty and off. Ms. Shumate accomplished this diversion by signing out the Percocet from an automated PYXIS medication dispensing system without administering or charting the administration of the Percocet to patients.

CONCLUSIONS OF LAW

The Board concluded that the above Finding of Fact Number Two (2) constitutes a violation of §§ 54.1-3007(2), (5) and (6) of the Code of Virginia (1950), as amended, and §§ 4.1B(3) and (5) of the Regulations of the Board of Nursing.

CONSENT

Kathleen Emerson Shumate by affixing her signature hereon, agrees to the following:

1. Ms. Shumate acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
2. Ms. Shumate acknowledges that she is fully aware that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 9-6.14:1, et seq, of the Code of Virginia (1950), as amended;
3. Ms. Shumate acknowledges that she 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 her;
4. Ms. Shumate waives all such right to a formal hearing;
5. Ms. Shumate waives her right to contest the foregoing Findings of Fact in any subsequent proceeding before the Board;
6. Ms. Shumate consents to the entry of the following Order affecting her license to practice professional nursing in the Commonwealth of Virginia.

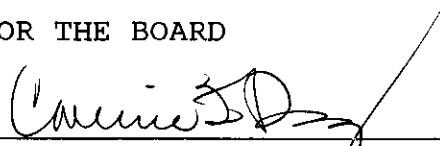
ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Consent Order, accepts the voluntary surrender of the license of Kathleen Emerson Shumate in lieu of further proceedings, and hereby ORDERS that

License No. 0001-106595, issued to Kathleen Emerson Shumate to practice professional nursing in the Commonwealth of Virginia, be and hereby is indefinitely SUSPENDED. At such time as Kathleen Emerson Shumate shall petition the Board for reinstatement of her license, a formal hearing will be convened to receive evidence satisfactory to the Board that Ms. Shumate is capable of resuming the safe and competent practice of nursing.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspections or copying on request.

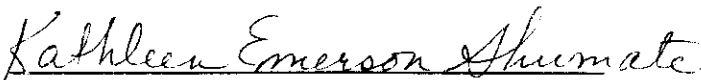
FOR THE BOARD



Corinne F. Dorsey, R.N.
Executive Director

ENTERED: September 13, 1993

SEEN AND AGREED TO:



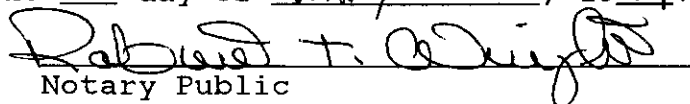
Kathleen Emerson Shumate

COMMONWEALTH OF VIRGINIA

~~CITY~~/COUNTY OF ALBEMARLE, to-wit:

Subscribed and sworn to before me, ROBERT T. WRIGHT,
a Notary Public, by Kathleen Emerson Shumate, this 8th day of
SEPT., 1993.

My commission expires the 31st day of MAY, 1997.



Notary Public

RECEIVED: September 13, 1993

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