

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: ANNE LOWRY MCDANIEL, R.N.**  
**License Number: 0001-227752**  
**Case Number: 171998**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Anne Lowry McDaniel, R.N. was issued License Number 0001-227752 to practice professional nursing on October 21, 2010, which is scheduled to expire on January 31, 2018. Her primary state of residence is Virginia.
2. Anne Lowry McDaniel, R.N. violated Virginia Code § 54.1-3007(5) and (6) in that during the course of her employment with Williamsburg Landing, Williamsburg, Virginia, Ms. McDaniel reported for a nursing shift on January 19, 2016, and provided care to residents while impaired by alcohol, as evidenced by the following: slurred speech, stumbling, disheveled appearance, acting uncharacteristically, and the odor of alcohol on her person. A breathalyzer test administered that day revealed a blood alcohol content of 0.22 grams, which is nearly three times the legal limit for operating a motor vehicle.
4. Ms. McDaniel's employment with Williamsburg Landing was terminated on January 20, 2016.

5. Ms. McDaniel violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice nursing due to substance abuse, as evidenced by the following:

a. On January 23, 2016, Ms. McDaniel was admitted to Riverside Behavioral Health Center pursuant to a temporary detention order related to alcohol abuse.

b. On March 31, 2016, she was again admitted to Riverside Behavioral Health Center pursuant to a temporary detention order related to alcohol abuse.

c. Ms. McDaniel signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on April 6, 2016, in which she acknowledged her history of alcohol abuse.

d. Ms. McDaniel was dismissed from the HPMP on June 13, 2016, for noncompliance, including failure to enter and complete treatment as recommended.

6. Ms. McDaniel stated to the Board that she has retired from the practice of nursing and wishes to voluntarily surrender her license.

#### CONSENT

Anne Lowry McDaniel, R.N., by affixing her 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; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive all 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 right 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 Board accepts the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Anne Lowry McDaniel's license to practice professional nursing in the Commonwealth of Virginia.
2. The license of Anne Lowry McDaniel will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Anne Lowry McDaniel seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Anne Lowry McDaniel to demonstrate that she is safe and competent to return to the practice of PROFESSION. Anne Lowry McDaniel 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.

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.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. McDaniel's health records or health services.

FOR THE BOARD

*Joyce A. Hahn*

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP  
President  
Virginia Board of Nursing

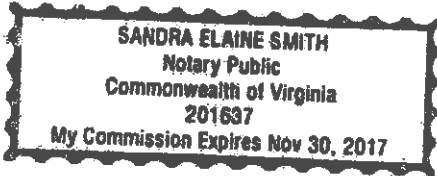
ENTERED: 7/20/16

SEEN AND AGREED TO:

*Anne Lowry McDaniel*  
Anne Lowry McDaniel, R.N.

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

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this  
19th day of July, 2016.



*Sandra E. Smith*  
Notary Public

My commission expires: November 30, 2017

Registration No.: 201637

Certified True Copy  
By draham  
Virginia Board Of Nursing