

JUL 09 2013

DHP

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SUSAN GERARDO-STEWART, L.P.N.
License No.: 0002-037232

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Susan Gerardo-Stewart, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Stewart's license to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Susan Gerardo-Stewart, L.P.N., was issued License No. 0002-037232 to practice practical nursing by the Virginia Board of Nursing on May 15, 1986. Said license is valid in Virginia only and is set to expire on October 31, 2013. Her primary state of residence is Virginia.
2. In September 2009, Ms. Gerardo-Stewart fraudulently obtained phentermine for her personal and unauthorized use by making two telephone orders for prescriptions using the name of her treating nurse practitioner.
3. Ms. Gerardo-Stewart entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in June 2010 and several Recovery Monitoring Contracts thereafter. She was granted a stay of disciplinary action with the expectation that she would comply with the terms and conditions of the HPMP for the period specified by the HPMP.
4. The HPMP placed Ms. Gerardo-Stewart on pre-dismissal status for failure to comply with the urine toxicology screening program, and the stay of disciplinary action was vacated on March 12, 2013.
5. Ms. Gerardo-Stewart otherwise remains in compliance with the HPMP.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2) and (6) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

CONSENT

Susan Gerardo-Stewart, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time contingent on Susan Gerardo-Stewart’s continued compliance with the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Gerardo-Stewart, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Gerardo-Stewart shall be noticed to appear before the Board at such time as the Board is notified that:

a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Gerardo-Stewart's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Gerardo-Stewart's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Gerardo-Stewart shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Gerardo-Stewart shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, 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 inspection or copying upon request.

FOR THE BOARD:

Gloria Mitchell
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: July 16, 2013

SEEN AND AGREED TO:

Susan Gerardo-Stewart L.P.N.
Susan Gerardo-Stewart, L.P.N.

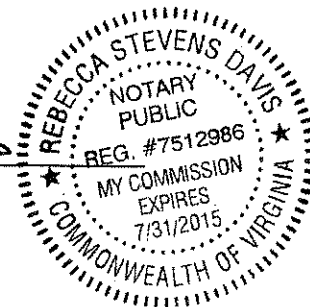
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Harrisonburg, TO WIT:

Subscribed and sworn to before me, Rebecca Stevens Davis, a Notary Public, this 8th day of July, 2013.

My commission expires 7/31/2015.

Registration Number 7512986.

Rebecca Stevens Davis
NOTARY PUBLIC



Certified True Copy

By: *[Signature]*
Virginia Board of Nursing