

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

DAWN MUTH, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Dawn Muth, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Muth's license to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Dawn Muth, R.N., was issued License No. 0001-138400 to practice professional nursing by the Virginia Board of Nursing on June 28, 1994. Said license is set to expire on November 30, 2010.
2. During the course of her employment with Virginia Anesthesiology and Perioperative Care, and while assigned at Mary Immaculate Hospital, Newport News, Virginia, from March, 2006, through December, 2006, Ms. Muth diverted fentanyl (Schedule II), Dilaudid (hydromorphone, Schedule II), and Versed (medazolam, Schedule IV) from patient and hospital supplies for her own personal and unauthorized use. She accomplished this diversion by withdrawing medications for individuals who were not her patients or patients of the hospital at the time; documenting wasting unused portions of medications that she actually retained; falsely indicating in the Pyxis system that she had broken vials containing the medications; and withdrawing medications for patients but failing to administer them.
3. During the course of her employment at Mary Washington Hospital, Fredericksburg, Virginia, from July 3, 2006, to November 24, 2006, Ms. Muth diverted fentanyl, morphine (Schedule II), and medazolam from patient and hospital supplies for her own personal and unauthorized use. She accomplished

this diversion by removing medications from the Pyxis machine for patients who did not have surgery on the particular dates and withdrawing medications for patients but failing to administer them.

4. Ms. Muth entered into participation with the Health Practitioners' Intervention Program ("HPIP") in April, 2007, at which time she acknowledged her inability to safely practice professional nursing due to substance abuse and mental illness. She was compliant with the terms and conditions of her Recovery Monitoring Contract with the HPIP until July, 2008, when she relapsed on fentanyl for which she did not have a valid prescription and falsified medical records to indicate that she had been legitimately prescribed this medication. In November, 2008, she again relapsed on fentanyl, and failed to enter and complete residential treatment as recommended. She was dismissed from participation in the HPIP on February 20, 2009, due to noncompliance.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2 and 3 constitute violations of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Dawn Muth, 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 neither admits nor denies the Findings of Fact contained herein but waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional 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. License No. 0001-138400 of Dawn Muth to practice professional nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Muth shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Muth shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.

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.

JUL 17 2009

DHP

FOR THE BOARD

Lynne Cooper
Lynne Cooper
President, Virginia Board of Nursing

ENTERED: July 22nd, 2009

SEEN AND AGREED TO:

Dawn Muth
Dawn Muth

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

Subscribed and sworn to before me, Faye Capke, a Notary Public, this 15th day of July, 2009.

My commission expires 10-31-2012.

Registration Number 349274.

Faye Capke
NOTARY PUBLIC
Commissioner as Faye Parkette

