

**VIRGINIA:**

**BEFORE THE COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE**

**IN RE:                                        DAWN MUTH, R.N., L.N.P.**

**CONSENT ORDER**

The Virginia Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") and Dawn Muth, R.N., L.N.P., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Muth's license to practice as a nurse practitioner in Virginia.

The Committee of the Joint Boards adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Dawn Muth, R.N., L.N.P., was issued License No. 0001-138400 to practice professional nursing by the Virginia Board of Nursing on June 28, 1994. She was issued License No. 0024-165057 to practice as a nurse practitioner/certified registered nurse anesthetist by the Virginia Committee of the Joint Boards of Nursing and Medicine on February 20, 2002. Said licenses are set to expire on November 30, 2010.

2. By Term No. 1 of an Order entered December 8, 2008, the Committee of the Joint Boards took no action against Ms. Muth contingent upon her continued compliance with all terms and conditions of her Recovery Monitoring Contract with the Health Practitioners' Intervention Program ("HPIP"). This Order was based on findings that Ms. Muth had diverted controlled substances from patient and hospital supplies at two different places of employment, and that she was unable to safely practice as a nurse practitioner due to the abuse of addicting drugs and mental illness.

3. Ms. Muth was dismissed from participation in the HPIP on February 20, 2009, due to noncompliance. Specifically, she had relapsed on fentanyl (Schedule II) for which she did not have a valid

prescription, falsified medical records to indicate that she had been legitimately prescribed this medication, and failed to enter and complete residential treatment as recommended.

### CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of Term No. 1 of the Order of the Committee of the Joint Boards of Nursing and Medicine and of § 54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).

### CONSENT

Dawn Muth, R.N., L.N.P., 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 Committee of the Joint Boards, 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 Committee of the Joint Boards;
6. She consents to the entry of the following Order affecting her right to practice as a nurse practitioner in Virginia.

### ORDER

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

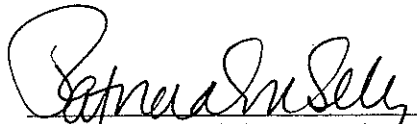
1. License No. 0024-165057 of Dawn Muth to practice as a nurse practitioner is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Muth shall petition the Committee of the Joint Boards for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a nurse practitioner. 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.

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

  
\_\_\_\_\_  
President, Virginia Committee of the  
Joint Boards of Nursing and Medicine

ENTERED: \_\_\_\_\_

12/2/09

CONSENT ORDER - Dawn Muth, R.N., L.N.P.  
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SEEN AND AGREED TO:

*Dawn Muth*  
Dawn Muth

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

Subscribed and sworn to before me, Natoria Henry, a Notary Public, this 30<sup>th</sup> day of July, 2009.

My commission expires 11-30-11.

Registration Number 7131541.

*Natoria Henry*  
NOTARY PUBLIC

