



3. 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 (midazolam, 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.

4. 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 midazolam 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.

5. Ms. Muth is unable to practice due to impairment resulting from the abuse of addicting drugs and from mental illness, as she acknowledged in signing a Recovery Monitoring Contract with the Health Practitioners' Intervention Program on April 2, 2007.

6. Martha Spruill, HPIP Case Manager, stated at the informal conference that Ms. Muth entered into her latest Recovery Monitoring Contract in August, 2007. She completed inpatient substance abuse treatment and continues with outpatient treatment and individual therapy.

**CONCLUSIONS OF LAW**

1. Findings of Fact Nos. 3 and 4 constitute violations of § 54.1-3007(2), (5), and (6) of the Code, 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing, and 18 VAC 90-30-220(4) of the Regulations Governing the Licensure of Nurse Practitioners.

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code and 18 VAC 90-30-220(5) of the Regulations Governing the Licensure of Nurse Practitioners..

**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. The JOINT BOARDS Board shall TAKE NO ACTION against the license of Dawn Muth to practice as a nurse practitioner at this time, contingent upon Ms. Muth's compliance with all terms and conditions of the Recovery Monitoring Contract ("Contract") with the HPIP for the period specified in the Contract.

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

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

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

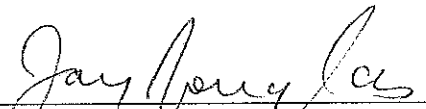
c. She has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Muth's participation in and compliance with the HPIP, the Joint Boards, at their discretion, may waive her appearance before the Joint Boards and conduct an

administrative review of this matter.

This Order is subject to appeal to the Joint Boards. If Ms. Muth desires a formal administrative hearing before the Joint Boards pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

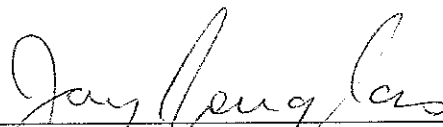
FOR THE JOINT BOARDS

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

Entered: December 8<sup>TH</sup>, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Dawn Muth at 5500 Creek Crossing Drive, Midlothian, Virginia 23222.

  
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Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director  
Board of Nursing  
December 8<sup>TH</sup>, 2008  
DATE