

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CATHERINE SOLIVEN ACOSTA, R.N.  
 License Number: 0001-140306  
 Case Number: 175369

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing (“Board”) and Catherine Soliven Acosta, R.N., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Ms. Acosta’s license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Catherine Soliven Acosta, R.N. was issued License Number 0001-140306 to practice professional nursing on September 13, 1994, which is scheduled to expire on April 30, 2017. Her primary state of residence is Virginia.
2. By Consent Order entered May 6, 2015, the Board reprimanded Ms. Acosta and required her to complete two courses within 60 days of the entry of the Order. This action was based on findings that Ms. Acosta had falsified a patient’s medication administration record.
3. On May 20, 2016, Ms. Acosta submitted an application to the New York State Educational Department, Office of Professional Discipline, State Board for Nursing, to surrender her license to practice professional nursing in the State of New York in lieu of disciplinary action. The pending disciplinary action in New York was based solely on the Consent Order of the Virginia Board of Nursing entered May 6, 2015. On July 11, 2016, the New York Board of Regents granted Ms. Acosta’s application for the surrender of her license, effective July 20, 2016.

4. Pursuant to Virginia Code § 54.1-2409, by Order of the Virginia Department of Health Professions entered November 15, 2016, Ms. Acosta's Virginia license was suspended based on the action of the New York Board of Regents.

5. On May 8, 2016, following Ms. Acosta's submission of evidence of completion of the required courses, the Virginia Board of Nursing determined that she had successfully completed the terms of the May 6, 2015, Consent Order.

6. The matter of the reinstatement of Ms. Acosta's license to practice professional nursing in the Commonwealth of Virginia is properly before the Board.

### CONSENT

Catherine Soliven Acosta, R.N., by affixing her signature to this Consent Order, agrees to the following:

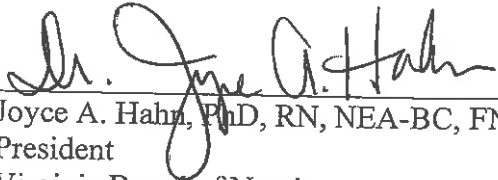
1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to a formal administrative hearing before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive my right to a formal hearing;
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 licensure 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 that the license of Catherine Soliven Acosta, R.N., to practice professional nursing in the Commonwealth of Virginia is REINSTATED without restriction.

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.

FOR THE BOARD

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

ENTERED: 11/15/16

SEEN AND AGREED TO:

Catherine Soliven Acosta RN  
Catherine Soliven Acosta, R.N.

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

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this  
31<sup>st</sup> day of OCTOBER, 2016.

John M. Bareswill  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. # 7521754  
My Commission Expires 12/31/2016

John M Bareswill  
Notary Public

My commission expires: 12/31/2016

Registration No.: 7521754

Certified True Copy  
By dgraham  
Virginia Board Of Nursing

**BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: CATHERINE SOLIVEN ACOSTA, R.N.**  
**License Number: 0001-140306**  
**Case Number: 175369**

**ORDER OF MANDATORY SUSPENSION**

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that Catherine Soliven Acosta, R.N., surrendered her license to practice professional nursing in the State of New York in lieu of disciplinary action. A certified copy of the Application to Surrender License and supporting documentation are attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Catherine Soliven Acosta, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Catherine Soliven Acosta, R.N., will be recorded as suspended and no longer current and valid. Should Catherine Soliven Acosta, R.N., seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Ms. Acosta's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

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 or copying on request.



\_\_\_\_\_  
David E. Brown, D.C., Director  
Virginia Department of Health Professions

**Certified True Copy**

By *dgraham*  
Virginia Board Of Nursing

ENTERED:

11/15/16

**CERTIFICATION OF DUPLICATE RECORDS**

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Application to Surrender License dated May 20, 2016 and notarized statement dated October 18, 2016,, regarding Catherine Soliven Acosta, R.N., are true copies of the records received from the New York State Education Department, Office of Professional Discipline. State Board for Nursing and the New York State Education Department, Office of the Professions, Division of Professional Licensing Services, Public Information Unit.

  
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David E. Brown, D.C.

Date: 11/15/16

NEW YORK STATE EDUCATION DEPARTMENT  
OFFICE OF PROFESSIONAL DISCIPLINE  
STATE BOARD FOR NURSING

-----X  
IN THE MATTER  
of the  
Disciplinary Proceeding  
against

APPLICATION  
TO SURRENDER  
LICENSE

CATHERINE SOLIVEN ACOSTA

CAL. NOS. (L.P.N.) 29011  
(R.N.) 29012

who is currently licensed to practice as  
a(n) licensed practical nurse and as a(n)  
registered professional nurse in the  
State of New York.

-----X  
The undersigned agree to the Application to Surrender.

Dated: 5/20/2016, 2016

*Catherine S. Acosta*

Respondent

ATTORNEY SIGNATURE NOT REQUIRED;  
RESPONDENT APPEARED PRO SE.

Dated: , 2016

Attorney for Respondent

Dated: 5/31, 2016

*Rainis J. Catone*

Director

Office of Professional Discipline

/cjs



NEW YORK STATE EDUCATION DEPARTMENT  
OFFICE OF PROFESSIONAL DISCIPLINE  
STATE BOARD FOR NURSING

-----X  
IN THE MATTER

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against

CATHERINE SOLIVEN ACOSTA

CAL. NOS.

APPLICATION  
TO SURRENDER  
LICENSE  
(L.P.N.) 29011  
(R.N.) 29012

who is currently licensed to practice as  
a(n) licensed practical nurse and as a(n)  
registered professional nurse in the  
State of New York.

-----X  
CATHERINE SOLIVEN ACOSTA states:

That on or about June 10, 1992 I was licensed to practice as  
a licensed practical nurse in the State of New York, having been  
issued license No. 220449 by the New York State Education  
Department.

I am not currently registered with the New York State  
Education Department to practice as a licensed practical nurse in  
the State of New York.

That on or about September 22, 1992 I was licensed to  
practice as a registered professional nurse in the State of New  
York, having been issued license No. 443428 by the New York State  
Education Department.

I am not currently registered with the New York State  
Education Department to practice as a registered professional  
nurse in the State of New York. My current address is: 793



**CATHERINE SOLIVEN ACOSTA**

Timberlake Drive, Virginia Beach, Virginia 23464.

That I have been charged with one (1) specification of professional misconduct, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the Board of Regents for permission to surrender my licenses to practice as a licensed practical nurse and as a registered professional nurse in the State of New York on the grounds that I admit guilt to the aforesaid specification of professional misconduct, charging me with having been found guilty of professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (being found guilty of professional misconduct in the State of Virginia, which conduct would be considered practicing the profession of nursing fraudulently if committed in New York State).

I hereby make this application to the Board of Regents and request that it be granted.

I understand that in the event the application is denied by the Board of Regents, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence

CATHERINE SOLIVEN ACOSTA

during the pendency of the professional misconduct disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that in the event the Board of Regents grants my application, an Order may be issued striking my name from the roster of licensed practical nurses and registered professional nurses in the State of New York without further notice to me. I understand that if and when the Board of Regents grants this application, the entire application shall become a matter of public record.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Catherine S. Acosta  
Respondent

EXHIBIT "A"

CATHERINE SOLIVEN ACOSTA

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with having been found guilty of professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, within the purview and meaning of New York Education Law section 6509(5)(b), in that:

In or about May, 2015 Respondent entered into a Consent Order with the Virginia Board of in which it was found that Respondent was guilty of professional misconduct based on her admission to having done the following:

that on or about June 17, 2014, during the course of her employment with The Recovery center, Virginia Beach, Virginia Respondent falsified the medication administration record for Patient A, indicating that she had administered insulin to the patient at 7:00 on June 16, 2014, according to physician's orders, when in fact she had failed to administer the medication.

Said conduct was found to be in violation of applicable Virginia statutes.

If the aforesaid conduct had occurred in New York, Respondent would be guilty of practicing the profession of nursing fraudulently, in violation of Section 6509(2) of the Education Law of the State of New York.