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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

DAVID A. CREGGER, R.N.  
License No.: 0001-204504

CONSENT ORDER

The Virginia Board of Nursing ("Board") and David A. Cregger, R.N., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Cregger's license to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. David A. Cregger, R.N., was issued License No. 0001-204504 to practice professional nursing by the Virginia Board of Nursing on November 6, 2006. Said license is set to expire on April 30, 2014. Mr. Cregger's primary state of residence is Virginia.
2. On May 2, 2012, during the course of his employment with Edgemont Rehabilitation and Recovery Center ("Edgemont"), Wytheville, Virginia:
  - a. Mr. Cregger administered Miralax (C-VI) mixed with water to a resident contrary to her physician's orders. The Resident was a choking risk, and therefore the Miralax was to be mixed with thickened nectar.
  - b. On May 2, 2012, Mr. Cregger left a resident in respiratory arrest alone in order to obtain materials needed to suction the resident. Mr. Cregger failed to obtain the resident's vital signs and was not aware whether the resident was a Do Not Resuscitate.
3. On May 8, 2012, Mr. Cregger's employment with Edgemont was terminated.

**CONCLUSIONS OF LAW**

Findings of Fact Nos. 2(a) and 2(b) constitute a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

**CONSENT**

David A. Cregger, R.N., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he 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 him;
4. He waives all such right to an informal conference;
5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his 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 that David A. Cregger, R.N., shall be placed on PROBATION for 12 months of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Mr. Cregger has completed 12 months of active employment as a professional nurse. The license of Mr. Cregger shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.
2. Mr. Cregger shall inform the Board in writing within ten days of the date he begins nursing practice, or changes employment, or if any interruption in practice occurs. Additionally, Mr. Cregger shall provide the name and address of each employer to the Board.
3. Mr. Cregger shall inform his current nursing employer and each future nursing employer that the Board has placed him on probation and shall provide each employer with a complete copy of this Order. If Mr. Cregger is employed through a staffing agency, he shall inform his supervisor in each facility where assigned that he is on probation.
4. Performance Evaluations shall be provided, at the direction of Mr. Cregger, by all nursing employers, as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.
5. Mr. Cregger shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

6. Mr. Cregger shall return all copies of his license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked “Probation with Terms.”

7. This Order is applicable to Mr. Cregger’s multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Cregger 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 he wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five (5) years of the date of entry of the Order, shall be reason for suspending or revoking the license of Mr. Cregger and an administrative proceeding may be held to determine whether his license shall be suspended or revoked.

9. Mr. Cregger shall maintain a course of conduct in his capacity as a professional 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:

*for Jodi & James*

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

ENTERED: January 3, 2013

SEEN AND AGREED TO:

David A. Cregger, R.N.  
David A. Cregger, R.N.

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

Subscribed and sworn to before me, Sandra King, a Notary Public, this 17 day of Dec, 2012.

My commission expires 5-31-14

Registration Number 7340524

Sandra C King  
NOTARY PUBLIC

SANDRA C. KING  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. # 7340524  
My Commission Expires

SANDRA C. KING  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. # 7340524  
My Commission Expires 5-31-14

Certified True Copy

By [Signature]  
Virginia Board of Nursing