

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JONATHAN K. MURRAY, R.N.

CONSENT ORDER

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

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

FINDINGS OF FACT

1. Jonathan K. Murray, R.N., was issued License No. 0001-149747 to practice professional nursing by the Virginia Board of Nursing on July 24, 1996. Said license is set to expire on June 30, 2010.
2. During the course of his employment at The Woodlands assisted living facility, Clifton Forge, Virginia, on May 4, 2009, Mr. Murray consumed approximately one pint of vodka before reporting for his evening shift. He was observed on duty with red eyes, an unsteady gait, slurred speech, and difficulty responding to questions. He passed medications to several residents before being asked to submit to a urine toxicology screen. The screen was positive for the presence of alcohol at 0.20 mg/dL. Mr. Murray's employment was terminated on May 8, 2009.
3. Mr. Murray entered into participation with the Health Practitioners' Monitoring Program ("HPMP") in June, 2009. He had one positive test for ethyl glucuronide on August 14, 2009. Otherwise, Mr. Murray is compliant with his Recovery Monitoring Contract with the HPMP as of this date.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(5) and (6) of the Code of Virginia (1950), as amended ("Code").

CONSENT

Jonathan K. Murray, 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 contained herein and waives his right to contest such Findings of Fact 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 as follows:

1. The Board shall TAKE NO ACTION at this time contingent on Mr. Murray's continued compliance with the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Murray, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. Murray shall be noticed to appear before the Board at such time as the Board is notified that:

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

b. There is a pending investigation or unresolved allegation against him involving a violation of law or regulation or any term or condition of this Order; or

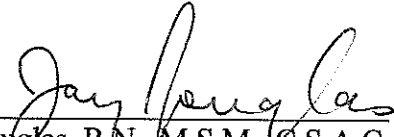
c. He has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Murray's participation in and compliance with the HPMP, the Board, at its discretion, may waive his appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Mr. Murray's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Murray 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.

4. Mr. Murray 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.

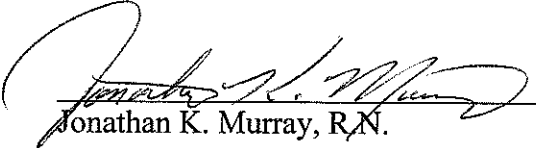
FOR THE BOARD



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

ENTERED: December 7th, 2009

SEEN AND AGREED TO:



Jonathan K. Murray, R.N.

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

Subscribed and sworn to before me, Ida N. Sarafandi, a Notary Public, this 30 day of November, 2009.

My commission expires 7/31/2013.

Registration Number 246061.

Ida N. Sarafandi
NOTARY PUBLIC

