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JUN 30 2014

VIRGINIA:

BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE: DANIEL G. BURTON, R.N.
License No.: 0001-201393

CONSENT ORDER

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

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

FINDINGS OF FACT

1. Daniel G. Burton, R.N. was issued License No. 0001-201393 to practice professional nursing by the Virginia Board of Nursing on June 21, 2006. Said license is set to expire on February 29, 2016. Mr. Burton is also licensed in Pennsylvania. His primary state of residence is Virginia.
2. During the course of his employment as a professional nurse at Henrico Doctor's Hospital, Forrest Campus, Richmond, Virginia, for a period of about three months, beginning in March 2008, Mr. Burton diverted Dilaudid (hydromorphone, Schedule II) for his personal and unauthorized use. Mr. Burton stated that he had become dependent on and addicted to pain medication after knee surgery.
3. As a result of the incident, his employment was terminated.
4. Mr. Burton entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on December 2, 2008, and his first Recovery Monitoring Contract ("RMC") on December 23, 2008. His latest RMC was entered on August 20, 2013.
5. Mr. Burton's date of sobriety is November 24, 2008.
6. Mr. Burton was granted a stay of disciplinary action on April 8, 2009.

7. Mr. Burton's stay of disciplinary action was vacated on August 29, 2013, due to his unintentional noncompliance with some of the administrative requirements of the HPMP. The HPMP did not question Mr. Burton's sobriety at any time.

8. Mr. Burton is currently in compliance with all of his HPMP contracts and is currently scheduled to be discharged from the HPMP in May, 2014.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

CONSENT

Daniel G. Burton, 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 and is represented by Eileen Talamante, Esquire and Michael Goodman, Esquire;
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 neither admits nor denies the Findings of Fact and Conclusions of Law contained herein but 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 as follows:

1. The Board shall TAKE NO ACTION at this time contingent on the following conditions:

a. Daniel G. Burton, R.N. shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Burton, and an administrative proceeding shall be held to decide whether her license should be revoked. Mr. Burton shall be noticed to appear before the Board at such time as the Board is notified that:

i. Mr. Burton is not in compliance with the terms and conditions specified by the HPMP;

ii. ~~Mr. Burton's participation in the HPMP has been terminated;~~

iii. There is a pending investigation or unresolved allegation against Mr. Burton involving a violation of law, regulation, or any term or condition of this order.

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


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

3. Mr. Burton 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.

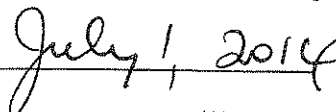
Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD:

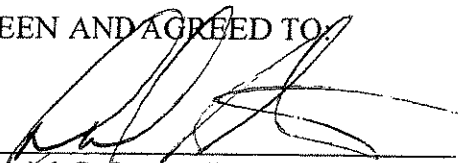


Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

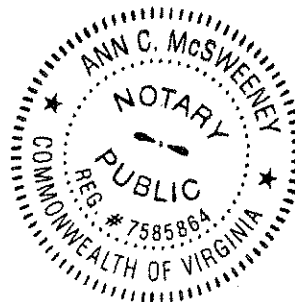
ENTERED:



SEEN AND AGREED TO:



Daniel G. Burton, R.N.



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

Subscribed and sworn to before me, Ann C. McSweeney, a Notary Public, this 27th day of June, 2014.

My commission expires December 31, 2018.

Registration Number 7585864.

Ami C. McGreeney
NOTARY PUBLIC

Certified True Copy

By Stanley
Virginia Board of Nursing