

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: WENDL J. BARTON, R.N.
License No.: 0001-167990

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on March 20, 2014, in Henrico County, Virginia, to inquire into evidence that Wendl J. Barton, R.N., may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on March 19, 2013, and to inquire into evidence that Ms. Barton may have violated certain laws governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Barton was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Wendl J. Barton, R.N., was issued License No. 0001-167990 to practice professional nursing in the Commonwealth of Virginia on January 7, 2000, which expired on September 30, 2013. Said license was indefinitely suspended by the Board on March 19, 2013, with said suspension stayed contingent upon Ms. Barton's compliance with certain terms and conditions. By letter dated December 13, 2013, the stay of suspension was summarily rescinded. Ms. Barton also holds an expired license to practice professional nursing in the State of North Carolina. Her primary state of residence is Virginia.

2. Based upon the representations of Tammie Jones and Commonwealth's Exhibit #1, the Notice of

Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the Respondent and the hearing proceeded in her absence.

3. By Consent Order entered March 19, 2013, the Board indefinitely suspended Ms. Barton's license to practice professional nursing with said suspension stayed contingent upon her re-entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP"). The action was based upon findings that Ms. Barton diverted medications from three hospitals and was dismissed from the HPMP due to noncompliance with the drug toxicology screening program.

4. On February 14, 2013, Ms. Barton entered a Participation Contract with the HPMP. She completed aftercare at The Harrison House in May, 2013, and began outpatient group therapy. On November 18, 2013, Ms. Barton was dismissed from the HPMP due to noncompliance. Specifically:

- a. On April 24, 2013 and September 6, 2013, Ms. Barton tested positive for alcohol.
- b. On four occasions between May 15, 2013 and August 27, 2013, Ms. Barton had dilute drug screens.
- c. Ms. Barton ceased calling the drug screen test line on September 25, 2013, which resulted in missed drug screens on September 24 and 26, 2013.
- d. Ms. Barton failed to enter and complete residential substance abuse treatment as recommended.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 4 constitutes a violation of Term No. 5 of the Consent Order entered March 19, 2013, and § 54.1-3007(6) of the Code.

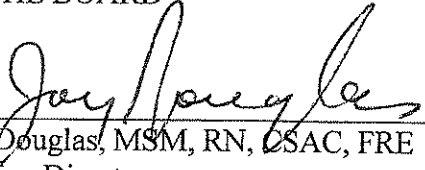
ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Wendl J. Barton, R.N., is hereby REPRIMANDED.
2. The right of Wendl J. Barton, R.N., to renew License No. 0001-167990 to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
3. The license of Ms. Barton will be recorded as SUSPENDED and no longer current. Should Ms. Barton seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.
4. At such time as Ms. Barton shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.
5. This Order shall be applicable to Ms. Barton's multistate licensure privileges, if any, to practice professional nursing.

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 on request.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

ENTERED

April 2nd 2014

Certified True Copy

By 

Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.