

VIRGINIA:

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BEFORE THE BOARD OF NURSING

VA BD OF NURSING

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

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Wendl Barton, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Barton's license to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Wendl Barton, R.N., was issued License No. 0001-167990 to practice professional nursing by the Virginia Board of Nursing on January 7, 2000. Said license is set to expire on September 30, 2013. Her primary state of residence is Virginia.
2. Between April and October 2010, during the course of her employment with Henrico Doctor's Hospital, Bon Secours St. Mary's Hospital, and Virginia Commonwealth University Health System, all in Richmond, Virginia, Ms. Barton diverted Dilaudid (hydromorphone, Schedule II) and other narcotic medications from hospital supplies for her personal and unauthorized use. She accomplished this diversion by withdrawing medications for patients without orders or by withdrawing ordered medications, documenting administering a portion of the withdrawn medication, and failing to document wastage of the remainder.
3. Ms. Barton's employment with all three facilities was terminated as a result of these narcotic discrepancies.

4. Ms. Barton entered into the first of eight Recovery Monitoring Contracts with the Health Practitioners' Monitoring Program ("HPMP") on January 10, 2011. In signing these contracts, she acknowledged that her alcohol abuse and/or substance abuse disorder and mental illness may impair her ability to practice nursing safely.

5. Ms. Barton was granted a stay of disciplinary action with the understanding that she would comply with the terms and conditions of the HPMP for the period specified by the HPMP.

6. The HPMP dismissed Ms. Barton effective October 19, 2012, for non-compliance with her program contract, including failure to comply with the urine toxicology screening program. The stay of disciplinary action against Ms. Barton was vacated when she was dismissed from the HPMP.

CONCLUSIONS OF LAW

1. 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.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Wendl Barton, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she 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 her;
4. She waives all such right to an informal conference;

5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her 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. License No. 0001-167990 of Wendl Barton, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. 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 capable of resuming the safe and competent practice of nursing. Ms. Barton shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon proof of Ms. Barton's re-entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Barton shall comply with all terms and conditions for the period specified by the HPMP.
 - b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Barton, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:


- i. She is not in compliance with the terms and conditions specified by the HPMP;
- ii. Her participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against her involving a violation of law, regulation, or any term or condition of this order.

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

7. Ms. Barton shall maintain a course of conduct in her 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



Jane R. Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: March 19, 2013

SEEN AND AGREED TO:

Wendl Barton RN
Wendl Barton, R.N.

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

Subscribed and sworn to before me, Christina Dove-Kitt Notary Public, this 7th day of February, 2013.

My commission expires 6/30/2016.

Registration Number 238376.



Christina Dove-Kitt
NOTARY PUBLIC