

VIRGINIA:

**BEFORE THE BOARD OF NURSING**

**IN RE: JAMES O. BAKER, R.N.**  
**License No.: 0001-168583**

**CONSENT ORDER**

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

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

**FINDINGS OF FACT**

1. James O. Baker, R.N., was issued License No. 0001-168583 to practice professional nursing by the Virginia Board of Nursing on March 16, 2000. Said license is set to expire on November 30, 2014. His primary state of residence is Virginia.
2. During the course of his employment with Carilion Roanoke Memorial Hospital, Roanoke, Virginia, between the Spring of 2012 and January 2013, Mr. Baker diverted IV fentanyl (Schedule II) from patients' IV bags for his own personal and unauthorized use. He self-administered this medication intravenously while on duty.
3. There was no reported harm to patients as a result of Mr. Baker's diversion of their medication.
4. Mr. Baker successfully completed an intensive outpatient substance abuse treatment program with the Mount Regis Center in February 2013. He participates in 12-step meetings.
5. Mr. Baker entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") on February 4, 2013. He is currently in compliance with the HPMP.

**CONCLUSIONS OF LAW**

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**

James O. Baker, 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 as follows:

1. The Board shall TAKE NO ACTION at this time contingent on Mr. Baker’s continued compliance with the terms and conditions of 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. Baker, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. Baker 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. Baker'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. Baker's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Mr. Baker 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. Baker 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:

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

ENTERED: August 16, 2013

SEEN AND AGREED TO:

James O. Baker  
James O. Baker, R.N.

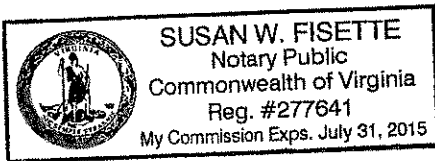
COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Franklin, TO WIT:

Subscribed and sworn to before me, Susan W. Fisetta, a Notary Public, this 2nd day of August, 2013.

My commission expires 07/31/2015.

Registration Number 277641.

Susan W. Fisetta  
NOTARY PUBLIC



Certified True Copy

By [Signature]  
Virginia Board of Nursing