

0VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CINDY GORDON, R.N.
License No.: 0001-174021

AMENDED CONSENT ORDER

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

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

FINDINGS OF FACT

1. Cindy Gordon, R.N., was issued License No. 0001-174021 to practice professional nursing by the Virginia Board of Nursing on May 8, 2001. Said license is set to expire on March 31, 2014. Her primary state of residence is Virginia.
2. During the course of her employment at Sentara Norfolk General Hospital, Norfolk, Virginia, from late 2010, to August, 2011, Ms. Gordon regularly diverted Demerol (meperidine, Schedule II), fentanyl (Schedule II) and Versed (midazolam, Schedule IV); for her personal and unauthorized use. Ms. Gordon accomplished the diversion by taking medications that were to be wasted from the Endoscopy Department or removing the medications under the names of patients not in the Endoscopy Department. On August 17, 2011, Ms. Gordon was sent to the Emergency Department after almost passing out at work. On August 23, 2011, Ms. Gordon was sent home from work after passing out during a procedure.
3. On August 23, 2011, Sentara Norfolk General Hospital terminated Ms. Gordon's employment.
4. Ms. Gordon began self-medicating with Vicodin (hydrocodone, Schedule III) and Percocet (oxycodone, Schedule II) in late 2006 after experiencing abdominal pain from surgery.

5. On September 21, 2011, Ms. Gordon signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in which she admitted she may suffer from the disease of chemical abuse and/or dependency. On October 24, 2011, she signed a Recovery Monitoring Contract with the HPMP.

6. By letter dated November 30, 2011, the HPMP Committee granted Ms. Gordon a stay of disciplinary action contingent on her continued compliance with the program.

7. On February 27, 2012, the stay was vacated based on Ms. Gordon's continued use of hydrocodone. In January, 2011, after HPMP received notification that two of Ms. Gordon's urine drug screens were positive, Ms. Gordon reported to her case manager that she was prescribed hydrocodone on two occasions. Ms. Gordon's case manager ran a Prescription Monitoring Program ("PMP) report that indicated Ms. Gordon filled prescriptions for hydrocodone on five occasions between December 29, 2011, and January 7, 2012. A PMP report dated June 5, 2012, revealed that from December 29, 2011, to March 25, 2012, Ms. Gordon filled prescriptions for hydrocodone on 11 occasions from 8 different providers for approximately 158 dosage units.

8. On May 10, 2012, Ms. Gordon stated to an investigator for the Department of Health Professions that she had not taken any pain medication since March 25, 2012, approximately 46 days.

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) and (e) of the Regulations Governing the Practice of Nursing.

2. Findings of Fact Nos. 4, 5, and 7 constitute a violation of § 54.1-3007(6) of the Code.

CONSENT

Cindy Gordon, 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. The Board shall TAKE NO ACTION at this time contingent upon Ms. Gordon's continued compliance with the terms and conditions specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Gordon, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Gordon shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Gordon 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 Ms. Gordon involving a violation of law or regulation or any term or condition of this Order; or

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

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

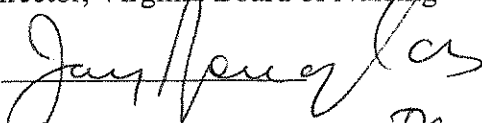
4. Ms. Gordon shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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

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

ENTERED:


December 4th, 2012

SEEN AND AGREED TO:

Cindy Gordon, RN
Cindy Gordon, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Suffolk, TO WIT: Cindy Gordon

Subscribed and sworn to before me, Kim Cantela, a Notary Public, this 13 day of November, 2012.

My commission expires January 31 2016.

Registration Number 7514996.

Kim Cantela
NOTARY PUBLIC