

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ERIN MCCARTIN, R.N. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Erin McCartin, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. McCartin's application for licensure by endorsement to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Erin McCartin, R.N., was issued License No. RN603883 to practice professional nursing by the Pennsylvania Board of Nursing on April 21, 2009. Said license is set to expire on April 30, 2014.
2. Ms. McCartin submitted an application for licensure by endorsement to practice professional nursing in Virginia which was received by the Board on February 21, 2013. Ms. McCartin declared Pennsylvania as her primary state of residence.
3. On August 31, 2012, the California Board of Nursing denied Ms. McCartin's application for licensure, citing that she is unable to safely practice due to her conviction for public intoxication, and her use of alcohol to the extent or manner that is dangerous to her and to the public.
4. Ms. McCartin admits her alcohol addiction, reports a February 15, 2011 sobriety date and states that she attends at least three Alcoholics Anonymous meetings per week. In September 2010, she completed a six-week intensive outpatient program at Mazzitti and Sullivan, Harrisburg, Pennsylvania.
5. Ms. McCartin provided evidence of her voluntary enrollment in the Pennsylvania Nurse Peer Assistance Program ("PNAP") on March 16, 2011. By letter received on May 10, 2013, the PNAP notified the Board that Ms. McCartin is in compliance with the PNAP. She has had 55 random observed body fluid

screens, all of which have been negative. She has maintained contact with her PNAP case manager, and has developed a program of recovery that includes a twelve-step program. Finally, Ms. McCartin demonstrates a genuine desire for recovery.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 constitutes a violation of § 54.1-3007 (7) of the Code of Virginia (1950), as amended (“Code”).
2. Findings of Fact Nos. 4 and 5 constitutes a violation of 54.1-3007 (6) of the Code of Virginia (1950), as amended (“Code”).
3. Based on the above Findings of Fact, Ms. McCartin is a candidate for the Health Practitioners’ Monitoring Program (“HPMP”).
4. Otherwise, Ms. McCartin meets the requirements of § 54.1-3018 of the Code.

CONSENT

Erin McCartin, 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 application for licensure by endorsement 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 application of Erin McCartin for licensure by endorsement to practice as a professional nurse is APPROVED contingent upon receiving proof of her entry into the HPMP. Thereafter, Ms. McCartin shall comply with the HPMP for the period specified in the HPMP.

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

a. Ms. McCartin 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. McCartin involving a violation of law or regulation or any term or condition of this Order; or

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

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

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

ENTERED: *July 3, 2013*

SEEN AND AGREED TO:

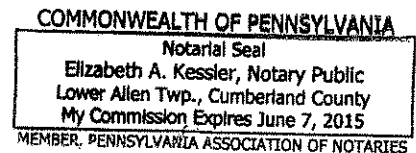
Erin McCartin
Erin McCartin, R.N.

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

Subscribed and sworn to before me, Elizabeth A Kessler, a Notary Public, this 1 day of July, 2013.

My commission expires June 7, 2015.

Registration Number _____.



Elizabeth A Kessler
NOTARY PUBLIC

Certified True Copy

By *Heath*
Virginia Board Of Nursing