

0031-006886

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JUN 24 2013

VIRGINIA:

BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE: DANIEL ESHBAUGH, R.M.A. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Daniel Eshbaugh, as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Eshbaugh's application for registration by examination as a medication aide in Virginia.

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

FINDINGS OF FACT

1. Daniel Eshbaugh submitted an application for registration as a medication aide by examination, which was received by the Board on May 20, 2013.
2. Mr. Eshbaugh was convicted of the following felony offenses in the Circuit Court of Rockingham County, Virginia:
 - a. On June 6, 1997, he was convicted of six counts of utter bad check, two counts of issue bad check, and one count of obtain a motorcycle by false pretenses. The court sentenced Mr. Eshbaugh to 11 years' incarceration, with 10 years' incarceration suspended, and ordered him to pay court costs and \$10,326.95 in restitution.
 - b. On December 7, 2004, he was convicted of receiving stolen property. He was sentenced to three years' incarceration, two years suspended, and ordered to pay court costs.
 - c. On May 3, 2005, he was convicted of felony habitual offender. He was sentenced to five years' incarceration, with four years suspended, and ordered to pay court costs.

3. Mr. Eshbaugh also suffered convictions for misdemeanor damage property on July 29, 2002, in the Rockingham County, Virginia, Circuit Court, and of misdemeanor habitual offender on January 1, 2005, in the Rockingham/Harrisonburg, Virginia, General District Court.

4. Mr. Eshbaugh is still serving probation due to unpaid restitution and court costs. By letter dated May 8, 2013, Mr. Eshbaugh's probation officer stated that at present Mr. Eshbaugh is compliant with his supervised probation.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(4) of the Code of Virginia (1950), as amended ("Code").
2. Mr. Eshbaugh otherwise meets the requirements of § 54.1-3042 of the Code.

CONSENT

Daniel Eshbaugh, 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 application for registration by examination as a medication aide.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. The application of Daniel Eshbaugh for registration by examination as a medication aide is APPROVED. Upon successful completion of the medication aide examination, Mr. Eshbaugh shall be issued a registration to practice as a medication aide in the Commonwealth.

2. Mr. Eshbaugh is hereby REPRIMANDED.

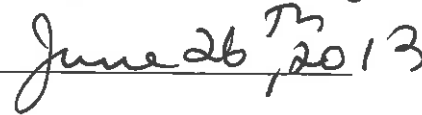
3. Mr. Eshbaugh shall maintain a course of conduct in his capacity as a medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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: _____

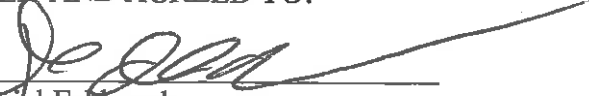


Certified True Copy

By 

Virginia Board of Nursing

SEEN AND AGREED TO:


Daniel Eshbaugh

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

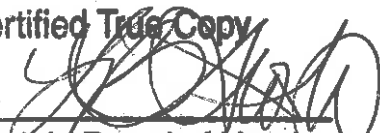
Subscribed and sworn to before me, Susan Van Duyn Versen a Notary Public, this 21 day of June, 2013.

My commission expires March 31, 2014.

Registration Number 7360875.


NOTARY PUBLIC



Certified True Copy

By _____
Virginia Board of Nursing