

Certified True Copy

By M. Bayliff
Virginia Board of Nursing



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

February 2, 2016

Nadean Elena Burgos
4218 Wittenberg Drive
Cary, NC 27519

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL

RE: License No.: 0001-255629

DATE 2/2/16

Dear Ms. Burgos:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered February 2, 2016. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

RECEIVED

FEB 03 2016

VA BD OF NURSING

Enclosures
Case # 170829

Sincerely,

David E. Brown, D.C., Director
Department of Health Professions

VIRGINIA

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: NADEAN ELENA BURGOS, R.N.
License No.: 0001-255629

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Nadean Elena Burgos, R.N., to practice nursing in the State of North Carolina was suspended by a Published Consent Order dated April 27, 2015, said license has not been reinstated. A certified copy of the Published Consent Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Nadean Elena Burgos, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Nadean Elena Burgos, R.N., will be recorded as suspended and no longer current. Should Ms. Burgos seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



David E. Brown, D.C., Director
Department of Health Professions

ENTERED: 2/2/16



COMMONWEALTH of VIRGINIA

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Director

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CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director, Department of Health Professions, hereby certify that the attached Published Consent Order dated April 27, 2015, regarding Nadean Elena Burgos, R.N., is a true copy of the records received from the State of North Carolina, Board of Nursing.

David E. Brown, D.C.

Date: 2/2/16

BEFORE THE BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA



I certify that this is a true and accurate copy of an original and has been kept in the ordinary course of business at the office of the North Carolina Board of Nursing.

Shirley L. Hays
Secretary of the Board

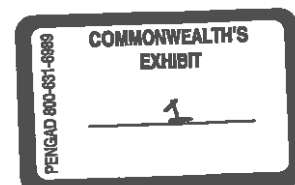
PUBLISHED CONSENT ORDER 10

In the matter of:)
Nadean Elena Burgos, RN)
Certificate/License # 272651)

This matter is before the North Carolina Board of Nursing ("Board") on information regarding Nadean Elena Burgos, RN ("Licensee"). Licensee knowingly and voluntarily waives her right to a formal hearing before the Board and any judicial review of such hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order of discipline imposed. By her consent, the Licensee also stipulates that she knowingly and voluntarily waives her right to appeal this **ORDER** or challenge in any way the sufficiency of the findings of this **ORDER**. Licensee admits and the Board finds that:

FINDINGS OF FACT

1. The North Carolina Board of Nursing is a body duly organized under the laws of North Carolina and is the proper body for this proceeding under the authority granted it in Article 9A, Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated hereunder.
2. Licensee is the holder of Registered Nurse Certificate/License #272651, which expires on September 30, 2015.
3. On December 12, 2014, the Board received the following complaint and began its investigation.
4. Licensee was employed with American Mobile Nursing and was assigned to work at High Point Regional Medical Center in High Point, North Carolina.
5. On November 30, 2014, a physician reported to the charge nurse in the Emergency Department that the Licensee had documented Hydromorphone administration when the patient said he had refused it.
6. The Licensee had also documented a follow-up pain assessment.
7. When confronted, the Licensee said the patient had refused it, she held the medication in case he changed his mind, but the syringe squirted out in her pocket.
8. The Licensee was drug screened on December 1, 2014 and tested positive for Hydromorphone.
9. The Licensee stated she had taken an eight (8) mg Dilaudid tablet a few days prior that was given to her by her boyfriend's aunt because she wanted to see how it would make her feel.



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10. An audit of twenty (20) Emergency Department charts in which the Licensee had removed Hydromorphone from Accudose revealed there were twenty (20) occasions in which there was not a physician order.

11. The audit also revealed on twenty two (22) occasions, Hydromorphone was not documented in the record after removal from Accudose.

12. On one (1) occasion, Hydromorphone was removed from Accudose seven (7) minutes before a patient was discharged.

13. Licensee stipulates that such allegations, if proven, are legally sufficient to support Findings of Fact and Conclusions of Law that Licensee has violated N.C. Gen. Stat. § 90-171.37 and the Board regulations, as specified in the Findings of Fact and Conclusions of Law. In the event that the terms of probation in this Consent Order are not fulfilled and the Board issues a new Notice of Hearing to Show Cause, Licensee stipulates that the Findings of Fact may be introduced into evidence as admitted allegations.

CONCLUSIONS OF LAW

1. This matter is properly before the Board and the Board has jurisdiction over Licensee and the subject matter of this case.

2. Licensee's conduct, as set out in the findings of fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. 90-171.37 as follows:

- (3) uses any drug to a degree that interferes with her fitness to practice nursing;
- (4) engages in conduct that endangers the public health;
- (6) engages in conduct that deceives, defrauds, or harms the public in the course of professional activities or services;
- (7) has violated any provision of this Article;
- (8) has willfully violated any rules enacted by the Board;

and Rule 21 NCAC 36.0217(c):

- (2) illegally obtaining, possessing or distributing drugs or alcohol for personal or other use, or other violations of G.S. 90-86 to 90-113.8;
- (11) failure to maintain an accurate record for each client which records

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Certificate/License # 272651)

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all pertinent health care information as defined in RN Rule .0224 (f) (2);
and Rule 21 NCAC 36 .0224:

- (f) Reporting and Recording by the registered nurse are those communications required in relation to all aspects of nursing care.
- (2) Recording means the documentation of information on the appropriate client record, nursing care plan or other documents. This documentation must:
- (E) verify the proper administration and disposal of controlled substances.

3. Grounds exist pursuant to N.C. Gen. Stat. 90-171.37 for the Board to revoke or suspend a license to privilege to practice nursing and invoke other such disciplinary measures such as censure or probative terms against a licensee as it deems fit and proper.

ORDER

1. Based on the Findings of Fact and Conclusions of Law, without further notice of proceedings, the Board enters into the following **ORDER** with Licensee:

2. Licensee's license will be suspended for a minimum of twelve (12) months and shall be effective from date of the execution of this **ORDER**. The suspension will be stayed. The Licensee will be issued a Probationary License for twenty four (24) months, but not longer than forty eight (48) months, to successfully comply with all conditions. If probationary conditions are not completed within forty eight (48) months, Licensee may petition to appear before at Licensure Review Panel to request an extension of time to complete probationary conditions. If Licensee does not request an extension, the license will be suspended.

Probationary conditions include:

1. Shall comply with the Board's Probation Program. Licensee shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the licensee's compliance with the Program.
2. Shall not serve in a volunteer position in any healthcare related licensed position while under probation conditions.
3. Shall notify the Board, in writing within five (5) days of any change in address or employment status. This includes new employment or probation, suspension, termination/resignation from employment, medical leave or

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Certificate/License # 272651)

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- FMLA. Licensee must also notify the Board of any change in supervisor, by telephone, within 24 hours and, in writing, within five (5) days.**
4. **Shall inform prospective supervisor of probation conditions during the interview process and share a copy of these conditions prior to beginning employment.**
 5. **Shall be employed in a licensed nursing position and shall have quarterly written performance reports submitted to the Board from all employers. The quarterly reports must involve three (3) consecutive months of employment as a nurse in the same facility and must show an average of sixty four (64) hours worked per month. Report must be signed by RN or licensed healthcare provider approved by the Board.**
 6. **Shall continue to perform duties in a safe and competent manner, satisfactory to the Board.**
 7. **Shall notify the Board, by telephone within 24 hours and, in writing, within five (5) days of any DUI, misdemeanor/felony charges. Following final disposition of the charges, notify the Board, by telephone, within 24 hours, and in writing, within five (5) days of the outcome.**
 8. **Shall appear in person at interview/meetings as directed by the Board.**
 9. **In accordance with the Interstate Compact for Nurse Licensure, the Licensee shall not practice in any other compact state until Licensee has completed probationary conditions or has obtained prior written authorization from the North Carolina Board of Nursing and the other compact state's Board of Nursing.**
 10. **Shall submit to random drug screens showing chain of custody and all other requirements of FirstLab agreement.**
 11. **Shall remain drug free.**
 12. **Shall submit within five (5) days healthcare provider medication reports to the Board when prescription medications are ordered or refilled.**
 13. **Shall submit a statement to the Board in writing within three (3) days when takes an over the counter antihistamine, decongestant, or cough syrup.**
 14. **Shall submit proof of successful completion for the following courses within forty five (45) days of acceptance of this ORDER:**
 - **www.rn.org online course entitled, "Narcotic Drugs – Handling & Documentation"**
 - **www.rn.com online course entitled, "Professional Nursing Practice: An Update"**
3. **If during the period of this ORDER, the staff of the Board receives evidence that the Licensee has violated any of the above probationary conditions; or if the Board determines that such violations have occurred, the Board may, after appropriate notice, suspend or revoke**

BEFORE THE BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the matter of:)
Nadean Elena Burgos, RN)
Certificate/License # 272651)

PUBLISHED CONSENT ORDER

By order of the North Carolina Board of Nursing this the 27th day of April, 2015.

Julia L. George

Julia L. George, RN, MSN, FRE
Executive Director

Consented to this the 11th day of May, 2015.

Mary Boyce Wells
Mary Boyce Wells, Attorney Signature

Nadean Burgos
Nadean Elena Burgos, Licensee Signature

State of North Carolina

County of Wake

I, Jan M. Dugree, a Notary Public for the above named County and State, do hereby certify that Nadean Elena Burgos personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

This the 11th day of May, 2015.

Jan M. Dugree
Notary Public

(Seal)



My commission expires: 9/11/2019