

**STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH  
HEALTH SERVICES REGULATION  
BOARD OF NURSE REGISTRATION  
AND NURSING EDUCATION**

**vs.**

**GILBERT BURDEN, LPN (LPN09030)**

**CONSENT ORDER**

Pursuant to Section 5-34-25 the General Laws of the State of Rhode Island, 2004 Reenactment, a complaint was filed with the Board of Nurse Registration and Nursing Education (hereinafter referred to as "Board") charging Gilbert Burden, RN, Respondent with a violation of Chapter 5-34 of the General Laws of the State of Rhode Island, 2004 Reenactment.

After consideration by the Committee of the Board, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a practical nurse licensed to practice nursing in the State of Rhode Island.
2. That at all pertinent times Respondent was employed at Cedar Crest Nursing Center, Cranston, RI.
3. That on or about April 16, 2005, Respondent signed for a delivery of a medication card of Xanax and did not record the receipt of the medication according to facility policy; and that on or about April 17, 2005 said medication was reported missing.

4. That on or about November 14, 2005, Respondent escorted Resident A to her room and closed the door; that resident was heard yelling and that subsequent to this incident said Resident was found to have bruises on her arms.

Pursuant to Section 5-34-24, this conduct constitutes unprofessional conduct in the State of Rhode Island and, as such, is grounds to discipline your license.

The parties agree as follows:

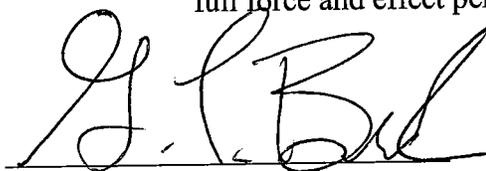
1. Respondent is a practical nurse able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
3. Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to the final ratification by the Board. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Board.
4. Respondent hereby acknowledges and waives:
  - a) The right to appear personally or by counsel or both before the Board;
  - b) The right to produce witnesses and evidence in her behalf at a hearing;
  - c) The right to cross-examine witnesses;
  - d) The right to have subpoenas issued by the Board;
  - e) The right to further procedural steps except for those specifically contained herein;
  - f) Any and all rights of appeal of this Consent Order;

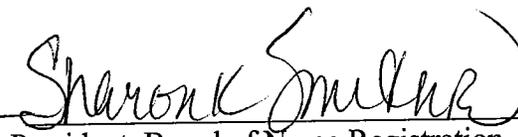
- g) Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
  - h) Any objection to the fact that it will be necessary for the board to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
  - i) Any objection to the fact that the Board reviewing this Consent Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing.
  - j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Board.
5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Board.
  6. Acceptance by the Respondent and approval by the Board of this Consent Order constitutes an admission of the facts contained herein.
  7. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.
  8. Respondent agrees to a substance abuse evaluation by a health care provider approved by the Board within one month upon ratification of this order.
  9. That the Respondent's license to practice as a practical nurse shall be on probation of at least a one (1) year subject to the terms and conditions set forth in this order.
  10. That said probationary period shall commence upon the date of the execution of this Consent Order by all the parties and will abate for the duration of any period

in which Respondent ceases to be employed as a nurse. Upon employment as a registered nurse Respondent shall notify the Board as to the name and address of the employer and the date employment commenced.

11. That, during the period of probation, Respondent shall submit to the Board evaluations from the employer at three (3) month intervals relating to Respondent's conduct and performance; that it shall be the responsibility of Respondent to have the employer submit said reports.
12. That during the period of probation Respondent shall notify the Board forthwith of any changes in employment, including the name and address of the new employer(s) and the reason for said change.
13. That if the health provider's substance abuse evaluation deems Respondent has a substance abuse problem, Respondent agrees to individual counseling and or treatment for drug and or alcohol abuse by a Board approved health care provider, and shall continue such counseling and or treatment programs as the healthcare professional rendering his care deems appropriate including but not limited to, attendance at a minimum of three (3) AA and NA meetings/ week and to include sponsorship, nursing assistance and nurse support groups as needed.
14. Respondent waives confidentiality of treatment and will direct the healthcare professional rendering treatment to release any progress reports to the Board including, but not limited to, quarterly progress reports and monthly and random urine and drug screening reports for the duration of the Respondent's treatment program.

15. That, during the period of probation, Respondent shall not work in a staffing agency and/or pool or in a home health environment. That Respondent shall work under the supervision of a registered nurse at all times. The registered nurse must be physically present in the facility at all times in which Respondent is on duty
16. At the time Respondent seeks reinstatement of the practical nurse license, he shall submit documentation to the Board evidencing that he is capable and competent to engage in the practice of nursing. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.
17. That the suspension of Respondent's license to practice nursing shall remain in full force and effect pending further order of the Board.

  
Gilbert Burden

  
President, Board of Nurse Registration  
and Nursing Education

Ratified as an order of the Board of Nurse Registration and Nursing Education at a meeting held on this 20<sup>th</sup> day of November 2006.