

**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

