



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
BOARD OF NURSING   
158 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0158

MYRA A. BROADWAY, J.D., M.S., R.N.  
EXECUTIVE DIRECTOR

September 17, 2008

Rachelle K. Burd  
240 Harvard Street #1006  
Portland, ME 04103

Dear Ms. Burd:

At its September 3-4, 2008 meeting, the Board reviewed and voted to deny your request for application for license as a registered professional nurse by endorsement.

You may appeal this decision and request a formal hearing before the Board by filing a written request with the Board within 30 days of receipt of this letter. Do not hesitate to contact this office if you have any questions.

Sincerely,

Myra A. Broadway, J.D., M.S., R.N.  
Executive Director

MAB:vle

pc: John H. Richards, Assistant Attorney General

**CERTIFIED MAIL RETURN RECEIPT REQUESTED 7005 1820 0002 9002 3588**



PRINTED ON RECYCLED PAPER



# COMMONWEALTH of VIRGINIA

Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Richmond, Virginia 23233-1463

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

Sandra Whitley Ryals  
Director

Virginia Board of Nursing  
Jay P. Douglas, RN, MSM, CSAC  
Executive Director

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
FAX (804) 527-4455

**TO:** Myra A. Broadway, J.D., M.S., R.N., Executive Director  
State of Maine Board of Nursing  
158 State House Station  
Augusta, Maine 04333-0158

**FROM:** Donna M. Lee *DML*  
Senior Discipline Specialist  
Virginia Board of Nursing

**SUBJECT:** Rachelle K. Burd  
License #0001-146969  
Suspended – February 18, 2005

**DATE:** October 14, 2008

Your request for information has been received under the provisions of § 2.1-342 of the Code of Virginia (1950), as amended, as follows:

- 1. The requested information is enclosed. If you have questions, contact this office at (804) 367-4502.
- 2. Certain documents involving attorney-client privilege which you requested were prepared in accordance with Sections 2.1-342.5 and 6 of the Virginia Freedom of Information Act and are exempted and will not be released.
- 3. Applications for licensure cannot be released in accordance with Section 2.1-342.B-10 of the Virginia Freedom of Information Act and § 54.1-108.2.
- 4. The requested information would be practically impossible to provide, or to determine its availability, in the five-work-day period allowed, so under Section 2.1-342.B-10 of the Virginia Freedom of Information Act, you are hereby informed that an additional seven days are needed to respond to your request.
- 5. Personnel records and medical records are excluded from the provisions of the Freedom of Information Act (§ 2.1-342.B-3).

*RECEIVED*  
OCT 20 2008  
ASST. DIR. OF REG.

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**RE:**

**RACHELLE K. BURD, R.N.**

**ORDER**

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended (the "Code"), a formal administrative hearing was held before a panel of the Board of Nursing (the "Board") on January 26, 2005, in Henrico County, Virginia, to receive and act upon evidence that Rachelle K. Burd, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was presented by Mykl D. Egan, Adjudication Specialist, Administrative Proceedings Division. Emily O. Wingfield, Assistant Attorney General, was present as legal counsel for the Board. Ms. Burd was not present and was not represented by counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Rachelle K. Burd, R.N., holds License No. 0001-146969 issued by the Virginia Board of Nursing to practice as a professional nurse. Said license will expire February 28, 2005.
2. Based upon the representations of Mykl D. Egan and Commonwealth's Exhibit # 1 and #2, the presiding officer ruled that adequate notice was provided to Ms. Burd and the hearing proceeded in her absence
3. Ms. Burd was dismissed from the Health Practitioners' Intervention Program (the "HPIP") on June 11, 2004, due to numerous incidents of non-compliance, including: (i) her admitted relapse on alcohol; (ii) positive urine toxicology screens for cocaine on April 19 and 20, 2004; (iii) her failure to call the testing line since April 27, 2004; (iv) her failure to submit

Rachelle K. Burd, R.N.

urine toxicology screens on May 5 and 10, 2004; and (v) her failure to enter and complete treatment as recommended.

4. Ms. Burd has a long history of substance abuse and relapse in that:
  - a. During the course of her employment with Sleepy Hollow Manor Nursing Home, Annandale, Virginia:
    - i. Between approximately March 1, 1998, and April 22, 1998, by her own admission, Ms. Burd diverted approximately 250 tablets of Vicodin (acetaminophen and hydrocodone bitartrate, a Schedule III controlled substance) for her personal and unauthorized use. She accomplished this diversion by the unauthorized removal of the medication from the medication cart without administering all the medication to residents. Ms. Burd reported that she self-administered as many as five (5) tablets at one time while off duty.
    - ii. Between approximately March 1, 1998, and April 22, 1998, Ms. Burd diverted unknown quantities of Ultram and Flexeril (both Schedule VI controlled substances). A narcotics audit revealed that these drugs were unaccounted for during her shift, and she was the only nurse on duty who had keys to the medication carts throughout the facility.
  - b. By her own admission, Ms. Burd has no fewer than four (4) Driving Under the Influence ("D.U.I.") convictions.
  - c. Between April 23, 1998, and April 27, 1998, Ms. Burd received inpatient detoxification treatment from Comprehensive Addiction Treatment Services (CATS), Fairfax Hospital, Falls Church, Virginia. By her own admission, she

Rachelle K. Burd, R.N.

became addicted to cocaine at age 16, and was previously treated in 1987 for alcohol addiction.

- d. On or about June 8, 1998, Ms. Burd signed a Recovery Monitoring Contract with the HPIP with the understanding that the program is to assist those persons who have an impairment, defined as “a physical or mental disability, including, but not limited to substance abuse, that substantially alters the ability of a practitioner to practice his profession with safety to his patients and the public.” On or about June 12, 1998, Ms. Burd was notified that she was granted a stay of disciplinary action. On or about January 6, 1999, she signed an addendum to her Recovery Monitoring Contract. On or about April 14, 2000, the HPIP Committee voted to vacate the stay of disciplinary action previously granted, based on a report from William E. McAllister, President, Virginia Monitoring, Inc., Hampton, Virginia, that she was not in compliance with the terms of her contract, specifically, that she had continued to use unauthorized drugs/alcohol, failed to attend a scheduled meeting to discuss a positive urine drug screen, and failed to respond to telephone messages to reschedule the meeting. On or about June 30, 2000, she signed a second addendum to her Recovery Monitoring Contract. On or about December 6, 2000, she signed a revised Recovery Monitoring Contract.
- e. In the Circuit Court of Fairfax County, Virginia, Ms. Burd was indicted and convicted, to-wit: “obtaining or attempting to obtain a controlled drug by fraud, deceit, misrepresentation, embezzlement or subterfuge.” On or about January 22, 1999, she appeared in court while on bond, and the Court granted the motion to dispose of the case pursuant to Code § 18.2-258.1H, and found that the facts were

Rachelle K. Burd, R.N.

sufficient for a finding of guilt, but withdrew its previous finding of guilt made November 3, 1998. The Court ordered that Ms. Burd be placed on active probation, subject to the conditions of probation for a period of three (3) years pursuant to Code § 18.2-258.1H, to include remaining drug and alcohol free and undergoing random urine screens no less than twice a month. The case was set for January 11, 2002, for final disposition. She reported that on November 16, 2000, based on a violation of probation charge, the Court ordered her to be admitted to Crossroads per her request.

- f. Between April 1999 and December 1999, Ms. Burd was employed at Powhatan Nursing Home, Falls Church, Virginia. By her own admission, during this employment, she was “drinking like a fish.” This employment ended when she declined a demotion to become a nurse aide that was offered based on her employer’s inability to accommodate the supervision requirements of her Recovery Monitoring Contract.
- g. Between approximately July 6, 1999 and December 5, 1999, Ms. Burd received day treatment from Harrison House, Inc., Annandale, Virginia, for poly-substance abuse. Aftercare continued until May 1, 2000, when her prognosis was noted as poor, and her recovery was noted as questionable as early as March 2000, when she submitted to a drug screen that yielded positive results for propoxyphene (Schedule IV), and she dropped out of the program becoming a no-call, no-show.
- h. Between September 29, 2000 and October 10, 2000, upon referral from the Alcohol and Drug Services (ADS), Fairfax, Virginia, Ms. Burd again received inpatient detoxification and treatment for poly-drug dependence from CATS.
- i. As of March 14, 2001, Ms. Burd was living for eighteen (18) months at Crossroads,

Rachelle K. Burd, R.N.

an in-patient treatment and behavior modification center.

**CONCLUSIONS OF LAW**

The Board Concludes that:

1. Finding of Fact No. 3 constitutes a violation of Term No. 1 of the Order, as well as § 54.1-3007(3) and (6) of the Code.
2. Finding of Fact No. 4(a-i) constitutes a violation of § 54.1-3007(2), (3), (4), (5), and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Regulations of the Board of Nursing.

**ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that License No. 0001-146969 issued to Rachelle K. Burd, R.N., be and hereby is INDEFINITELY SUSPENDED. Ms. Burd may petition the Board after not less than three (3) years from the date of entry of this Order for reinstatement of his license to practice professional nursing, at which time a meeting will be convened to receive evidence satisfactory to the Board that Ms. Burd is able to resume the safe and competent practice of nursing.

Upon entry of this Order, the license of Ms. Burd will be recorded as suspended and no longer current. Consistent with the terms of this Order, in the event that Ms. Burd seeks reinstatement of his license, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code of Virginia (1950), as amended, 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 on request.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Burd has thirty (30) days from the service date in which to appeal this decision by filing a Notice of Appeal with Jay

Rachelle K. Burd, R.N.

P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Ms. Burd actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

FOR THE BOARD

Jay Douglas  
Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director for the  
Board of Nursing

February 18<sup>TH</sup>, 2005  
ENTERED

**Certified True Copy**

By Donna Lee  
**Virginia Board of Nursing**

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: RACHELLE K. BURD, R.N.

NOTICE OF HEARING

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended, Rachelle K. Burd, R.N. who holds License No. 0001-146969 currently expiring February 28, 2005, is hereby given notice that, pursuant to § 2.2-4024 F, a formal administrative hearing will be held in the presence of a panel of the Board of Nursing ("the Board"). The hearing will be held on January 26, 2005, at 1:00 p.m., at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia, at which time Ms. Burd will be afforded the opportunity to be heard in person or by counsel.

At the hearing Ms. Burd has the following rights, among others: the right to representation by counsel, the right to have witnesses subpoenaed and to present witnesses on her behalf, the right to present documentary evidence and the right to cross-examine adverse witnesses. If Ms. Burd desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon evidence that Ms. Burd may have violated the terms and conditions of an Order of the Board entered on October 26, 2001 (the "Order"), as well as well as certain laws and regulations governing the practice of nursing in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Ms. Burd may have violated Term No. 1 of the Order, as well as § 54.1-3007(3) and (6) of the Code, in that, she was dismissed from the Health Practitioners' Intervention Program (the "HPIP") on June 11, 2004, due to numerous incidents of non-compliance, including: (i) her admitted relapse on alcohol; (ii) positive urine toxicology screens for cocaine on April 19 and 20, 2004; (iii) her failure to call the testing line since April 27, 2004; (iv) her failure to submit urine toxicology screens on May 5 and 10, 2004; and (v) her failure to enter and complete treatment as recommended.
2. Ms. Burd may have violated § 54.1-3007(2), (3), (4), (5), and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Regulations of the Board of Nursing, in that:
  - a. During the course of her employment with Sleepy Hollow Manor Nursing Home, Annandale, Virginia:
    - i. Between approximately March 1, 1998, and April 22, 1998, by her own admission, Ms. Burd diverted approximately 250 tablets of Vicodin (acetaminophen and hydrocodone bitartrate, a Schedule III controlled substance) for her personal and unauthorized use. She accomplished this diversion by the unauthorized removal of the medication from the medication cart without administering all the medication to residents. Ms. Burd reported that she self-administered as many as five (5) tablets at one time while off duty.
    - ii. Between approximately March 1, 1998, and April 22, 1998, Ms. Burd diverted unknown quantities of Ultram and Flexeril (both Schedule VI controlled substances). A narcotics audit revealed that these drugs were

unaccounted for during her shift, and she was the only nurse on duty who had keys to the medication carts throughout the facility.

- b. By her own admission, Ms. Burd has no fewer than four (4) Driving Under the Influence ("D.U.I.") convictions.
- c. Between April 23, 1998, and April 27, 1998, Ms. Burd received inpatient detoxification treatment from Comprehensive Addiction Treatment Services (CATS), Fairfax Hospital, Falls Church, Virginia. By her own admission, she became addicted to cocaine at age 16, and was previously treated in 1987 for alcohol addiction.
- d. On or about June 8, 1998, Ms. Burd signed a Recovery Monitoring Contract with the HPIP with the understanding that the program is to assist those persons who have an impairment, defined as "a physical or mental disability, including, but not limited to substance abuse, that substantially alters the ability of a practitioner to practice his profession with safety to his patients and the public." On or about June 12, 1998, Ms. Burd was notified that she was granted a stay of disciplinary action. On or about January 6, 1999, she signed an addendum to her Recovery Monitoring Contract. On or about April 14, 2000, the HPIP Committee voted to vacate the stay of disciplinary action previously granted, based on a report from William E. McAllister, President, Virginia Monitoring, Inc., Hampton, Virginia, that she was not in compliance with the terms of her contract, specifically, that she had continued to use unauthorized drugs/alcohol, failed to attend a scheduled meeting to discuss a positive urine drug screen, and failed to respond to telephone messages to reschedule

the meeting. On or about June 30, 2000, she signed a second addendum to her Recovery Monitoring Contract. On or about December 6, 2000, she signed a revised Recovery Monitoring Contract.

- e. In the Circuit Court of Fairfax County, Virginia, Ms. Burd was indicted and convicted, to-wit: "obtaining or attempting to obtain a controlled drug by fraud, deceit, misrepresentation, embezzlement or subterfuge." On or about January 22, 1999, she appeared in court while on bond, and the Court granted the motion to dispose of the case pursuant to Code § 18.2-258.1H, and found that the facts were sufficient for a finding of guilt, but withdrew its previous finding of guilt made November 3, 1998. The Court ordered that Ms. Burd be placed on active probation, subject to the conditions of probation for a period of three (3) years pursuant to Code § 18.2-258.1H, to include remaining drug and alcohol free and undergoing random urine screens no less than twice a month. The case was set for January 11, 2002, for final disposition. She reported that on November 16, 2000, based on a violation of probation charge, the Court ordered her to be admitted to Crossroads per her request.
- f. Between April 1999 and December 1999, Ms. Burd was employed at Powhatan Nursing Home, Falls Church, Virginia. By her own admission, during this employment, she was "drinking like a fish." This employment ended when she declined a demotion to become a nurse aide that was offered based on her employer's inability to accommodate the supervision requirements of her Recovery Monitoring Contract.
- g. Between approximately July 6, 1999 and December 5, 1999, Ms. Burd received day

treatment from Harrison House, Inc., Annandale, Virginia, for poly-substance abuse.

Aftercare continued until May 1, 2000, when her prognosis was noted as poor, and her recovery was noted as questionable as early as March 2000, when she submitted to a drug screen that yielded positive results for propoxyphene (Schedule IV), and she dropped out of the program becoming a no-call, no-show.

- h. Between September 29, 2000, and October 10, 2000, upon referral from the Alcohol and Drug Services (ADS), Fairfax, Virginia, Ms. Burd again received inpatient detoxification and treatment for poly-drug dependence from CATS.
- i. As of March 14, 2001, Ms. Burd was living for eighteen (18) months at Crossroads, an in-patient treatment and behavior modification center.

FOR THE BOARD



Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director for the  
Board of Nursing

ENTERED: December 29<sup>th</sup>, 2004

**Certified True Copy**

By Donna Lee  
**Virginia Board of Nursing**

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: RACHELLE KIMBERLY BURD, R.N.

ORDER

Pursuant to § 2.2-4019, § 2.2-4021, § 54.1-2400(10) and § 54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), a Special Conference Committee ("Committee") of the Board of Nursing met on October 15, 2001, in Henrico County, Virginia, to receive and act upon evidence that Rachelle Kimberly Burd, R.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia. Ms. Burd was present and was not represented by counsel. Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Rachelle Kimberly Burd, R.N., holds License No. 0001-146969, and previously held 1401-053051, issued by the Virginia Board of Nursing.
2. Ms. Burd was properly noticed for this informal conference by letter dated September 12, 2001.
3. On or about December 6, 2000, Ms. Burd signed a revised Recovery Monitoring Contract ("Contract") with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code, and 18 VAC 76-10-10, et. seq., of the Regulations Governing the HPIP.
4. Based on the finding that no report of possible violation of law or regulation has been made against Ms. Burd, other than impairment or the diversion of controlled substances for personal use, the Committee defers further findings of fact concerning Ms. Burd at

RACHELLE KIMBERLY BURD, R.N.

this time.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Committee concludes that Rachelle Kimberly Burd, R.N., is properly enrolled in the HPIP.

ORDER

On the basis of the foregoing, the Committee, effective upon entry of this Order, hereby ORDERS that NO SANCTION be imposed conditioned expressly upon Ms. Burd's continued compliance with the following terms and conditions:

1. Rachelle Kimberly Burd, R.N., shall comply with all terms and conditions of the Recovery Monitoring Contract ("Contract") with the HPIP for the period specified in the Contract.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Burd, and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Burd shall be noticed to appear before a Committee at such time as the Board is notified that:
  - a) Ms. Burd is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP, or
  - b) There is a pending investigation or unresolved allegations against Ms. Burd involving a violation of law, regulation or any term or condition of probation or this order, or
  - c) Ms. Burd has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of evidence of Ms. Burd's participation in and compliance with the HPIP, the Committee, at its discretion, may waive Ms. Burd's appearance before the Committee, and conduct an administrative review of this

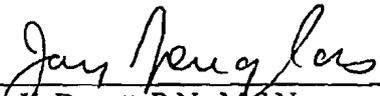
RACHELLE KIMBERLY BURD, R.N.

matter.

Pursuant to § 2.2-4023 of the Code of Virginia (1950), as amended, 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 on request.

If Ms. Burd does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify, in writing, Nancy K. Durrett, R.N., M.S.N., Executive Director, Board of Nursing, 6606 W. Broad Street, Fourth Floor, Richmond, Virginia 23230-1717 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a written request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in § 9-6.14:12 of the Code of Virginia (1950), as amended.

FOR THE BOARD

  
for Nancy K. Durrett, R.N., M.S.N.  
Executive Director for the  
Board of Nursing

October 26<sup>th</sup>, 2001  
ENTERED

RACHELLE KIMBERLY BURD, R.N.

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to  
Rachelle Kimberly Burd, R.N., at 6901 S Van Dorn Street, Kingstowne, Virginia 22315.

Jay Douglas  
for Nancy K. Durrett, R.N., M.S.N.  
Executive Director for the  
Board of Nursing

October 26<sup>th</sup>, 2001  
Date

**Certified True Copy**  
By KLB 10/26/01  
**Virginia Board of Nursing**

**Certified True Copy**  
By Donna Lee  
**Virginia Board of Nursing**



# COMMONWEALTH of VIRGINIA

*Department of Health Professions*

*Board of Nursing*

Nancy K. Durrett, R.N., M.S.N.  
Executive Director  
nursebd@dhp.state.va.us

September 12, 2001

6606 West Broad Street, Fourth Floor  
Richmond, Virginia 23230-1717  
(804) 662-9909  
Nurse Aide Registry (804) 662-7310  
FAX (804) 662-9512  
TDD (804) 662-7197

Rachelle Kimberly Burd, R.N.  
6901 S Van Dorn Street  
Kingstowne, Virginia 22315

**CERTIFIED MAIL**  
**71064575129435611908**

**RE: License Nos.: 0001-146969, & previously-1401-053051**

Dear Ms. Burd:

This is official notification that an Informal Conference will be held, pursuant to § 9-6.14:11 (§ 2.2-4019 and 2.2-4021, effective October 1, 2001, § 54.1-2400(10) and § 54.1-3010 of the Code of Virginia (1950), as amended, on October 15, 2001, at 10:30 a.m., in the offices of the Department of Health Professions, 6606 West Broad Street, Southern States Building, Fourth Floor, Richmond, Virginia. You may be represented by an attorney at the Informal Conference.

The Special Conference Committee, which is comprised of two or three members of the Virginia Board of Nursing, will inquire into allegations that you may have violated § 54.1-3007(2), (3), (4), (5), and (6) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-300(A)(2)(c) of the Regulations of the Board of Nursing, in that:

1. During the course of your employment with Sleepy Hollow Manor Nursing Home, Annandale, Virginia:
  - a) Between approximately March 1, 1998, and April 22, 1998, by your own admission, you diverted approximately 250 tablets of Vicodin (acetaminophen and hydrocodone bitartrate, a Schedule III controlled substance) for your personal and unauthorized use. You accomplished this diversion by the unauthorized removal of the medication from the medication cart without administering all the medication to residents. You reported you self-administered as many as five (5) tablets at one time while off duty.
  - b) Between approximately March 1, 1998, and April 22, 1998, you diverted unknown quantities of Ultram and Flexeril (both Schedule VI controlled substances). A narcotics audit revealed that these drugs were unaccounted for during your shift, and

RACHELLE KIMBERLY BURD, R.N.

you were the only nurse on duty who had keys to the medication carts throughout the facility.

2. By your own admission, you have had no fewer than four (4) Driving Under the Influence ("D.U.I.") convictions, as follows:
  - i) A 1982 conviction which required you to pay a fine, and mandated you to participate in an A.S.A.P. Program.
  - ii) A 1986 conviction which required you to pay a fine, and mandated you to participate in an A.S.A.P. Program.
  - iii) A 1987 conviction which required you to pay a fine, and mandated you to participate in an A.S.A.P. Program.
  - iv) A 1997 conviction which required you to attend counseling.
3. Between April 23, 1998, and April 27, 1998, you received inpatient detoxification treatment from Comprehensive Addiction Treatment Services (CATS), Fairfax Hospital, Falls Church, Virginia. By your own admission, you became addicted to cocaine at age 16, and were previously treated in 1987 for alcohol addiction.
4. On or about June 8, 1998, you signed a Recovery Monitoring Contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code of Virginia (1950), as amended, and 18 VAC 76-10-10, et. seq., of the Regulations Governing the Health Practitioners' Intervention Program, with the understanding that the program is to assist those persons who have an impairment, defined as "a physical or mental disability, including, but not limited to substance abuse, that substantially alters the ability of a practitioner to practice his profession with safety to his patients and the public." On or about June 12, 1998, you were notified that you were granted a stay of disciplinary action. On or about January 6, 1999, you signed an addendum to your Recovery Monitoring Contract. On or about April 14, 2000, the Health Practitioners' Intervention Program Committee voted to vacate the stay of disciplinary action, based on a report from William E. McAllister, President, Virginia Monitoring, Inc., Hampton, Virginia, that you were not in compliance with the terms of your contract, specifically that you had continued to use unauthorized drugs/alcohol, failed to attend a scheduled meeting to discuss a positive urine drug screen, and failed to respond to telephone messages to reschedule the meeting. On or about June 30, 2000, you signed a second addendum to your Recovery Monitoring Contract. On or about December 6, 2000, you signed a revised Recovery Monitoring Contract.
5. In the Circuit Court of Fairfax County, Virginia, you were indicted and convicted, to-wit: "obtaining or attempting to obtain a controlled drug by fraud, deceit, misrepresentation, embezzlement or subterfuge." On or about January 22, 1999, you appeared in court while on bond, and the Court granted the motion to dispose of the case pursuant to Code § 18.2-258.1H, and found that the facts were sufficient for a finding of guilt, but withdrew its previous finding of guilt made November 3, 1998. The Court ordered that you be placed on

RACHELLE KIMBERLY BURD, R.N.

active probation, subject to the conditions of probation for a period of three (3) years pursuant to Code § 18.2-258.1H, to include remaining drug and alcohol free and undergoing random urine screens no less than twice a month. The case was set for January 11, 2002, for final disposition. You report that on November 16, 2000, based on a violation of probation charge, the Court ordered you to be admitted to Crossroads per your request.

6. Between April 1999 and December 1999, you were employed at Powhatan Nursing Home, Falls Church, Virginia. By your own admission, during this employment, you were "drinking like a fish." This employment ended when you declined a demotion to become a nurse aide that was offered you based on your employer's inability to accommodate the supervision requirements of your Recovery Monitoring Contract.
7. Between approximately July 6, 1999 and December 5, 1999, you received day treatment from Harrison House, Inc., Annandale, Virginia, for poly-substance abuse. Aftercare continued until May 1, 2000, when your prognosis was noted as poor, and your recovery was noted as questionable as early as March 2000, when you submitted to a drug screen that yielded positive results for propoxyphene (Schedule IV), and you dropped out of the program becoming a no-call, no-show.
8. Between September 29, 2000, and October 10, 2000, upon referral from the Alcohol and Drug Services (ADS), Fairfax, Virginia, you again received inpatient detoxification and treatment for poly-drug dependence from CATS.
9. On or about November 16, 2000, in the General District Court of Prince William County, Virginia, you were found guilty of a misdemeanor, as charged, to-wit: "obtain food and beverages from Kilroy's Restaurant without paying therefor and with the intent to cheat or defraud the owner or keeper with the value of the food being less than \$200.00." The Court then ordered a *nolle prosequi* on the prosecution's motion. On July 13, 2000, a *Capias* was issued against you, based on your failure to appear in court on July 12, 2000, for the first court date in this matter. On November 16, 2000, this too, was ordered a *nolle prosequi*.
10. As of March 14, 2001, you were living for eighteen (18) months at Crossroads, an in-patient treatment and behavior modification center.

Since, prior to your Informal Conference, you entered into a written agreement with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code of Virginia (1950) as amended, and 18 VAC 76-10-10, et seq., of the Regulations Governing the HPIP, the Committee will take that into consideration and could, among other options, decide to continue your case with no disciplinary action, pending your compliance with your HPIP contracts.

After the conference, the conference committee is authorized to take the following actions:

1. If the committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;

RACHELLE KIMBERLY BURD, R.N.

2. The committee may place you on probation with such terms as it may deem appropriate;
3. The committee may reprimand you;
4. The committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
5. The committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Conference Committee is of the opinion that a suspension or revocation of your license may be justified, the committee may offer you a consent order in lieu of a formal hearing.

If you fail to appear at the informal conference, the Conference Committee will proceed to hear the case in your absence, and may take any of the actions outlined above.

At least ten (10) days prior to the scheduled date of the conference, please inform this office of your telephone number and whether you intend to appear at the conference. This can be done by calling our offices at (804) 662-9950 or by sending us a letter at the address listed above.

You have the right to information that will be relied upon by the Board in making a decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Please bring these documents with you.

If you have any additional documents to be presented to the Conference Committee, please bring five (5) copies of each document with you.

Also, enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws and regulations relating to the practice of nursing in Virginia that are cited in this notice.

Sincerely,



Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Assistant Executive Director

JPD/alt/dl

Enclosures

cc: John W. Hasty, Director, Department of Health Professions  
James L. Banning, Director for Administrative Proceedings  
Sue S. Zich, R.N., B.S.N., Senior Investigator (Case No. 53547)  
Donna P. Whitney, L.P.N., C.S.A.C, Intervention Program Committee Coordinator  
Committee members  
Ann L. Tiller, Senior Adjudication Analyst, Administrative Proceedings Division

**Certified True Copy**

By Donna Lee  
Virginia Board of Nursing



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
 BOARD OF NURSING  
158 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0158

MYRA A. BROADWAY, J.D., M.S., R.N.  
EXECUTIVE DIRECTOR

December 9, 2008

Rachelle K. Burd  
17 Humbolt Street  
Portland, ME 04103

Dear Ms. Burd:

Pursuant to your meeting with the Board on December 3, 2008, this will confirm that your request for licensure by endorsement is tabled until you are able to provide the information and documentation that the Board requested such as status with the Virginia court, documentation from your counselor and treatment provider(s), evidence of your communication with the Virginia Board of Nursing and anything else that would be helpful to the Board in making its determination.

Sincerely,

Myra A. Broadway, J.D., M.S., R.N.  
Executive Director

MAB:vlc

pc: ✓ John H. Richards, Assistant Attorney General



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