

IN THE MATTER OF  
ALEA LEANNE BURGER  
LICENSE NO: R152616

\* BEFORE THE MARYLAND  
\* BOARD OF NURSING  
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**ORDER OF TERMINATION OF PROBATION OF  
REGISTERED NURSE LICENSE**

On May 23, 2017, the Maryland Board of Nursing (the "Board") executed an "Consent Order of Probation of Registered Nurse License" hereinafter "Probation Order"),<sup>1</sup> which placed the license of **ALEA LEANNE BURGER** ("the Licensee"), to practice as a registered nurse, license number **R152616**, in the State of Maryland on probation for a minimum of five (5) years, subject to certain probationary terms and conditions.

The Licensee has satisfied all the terms and conditions of probation that were imposed in the Probation Order, therefore it is hereby:

**ORDERED** that the probation ordered upon the Licensee by the Probation Order dated May 23, 2017, is hereby **TERMINATED** and the Probation Order is of no further force and effect; and it is further

**ORDERED** that this is a Final Decision and Order is a **PUBLIC RECORD** under Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014)

August 26, 2022  
Date

Karen E. B. Evans MSN, RN-BC  
The Executive Director's Signature  
Appears on the Original Document

<sup>1</sup> The Probation Order is incorporated by reference into this Order and is attached to this Order as Exhibit A.

IN THE MATTER OF  
ALEA LEEANN BURGER  
License No. R152616

BEFORE THE MARYLAND  
BOARD OF NURSING  
OAG CASE No. 17-BP-023

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CONSENT ORDER OF PROBATION  
OF REGISTERED NURSE LICENSE

On or about September 15, 2016, the Maryland Board of Nursing (“Board”) received a license renewal application from Alea Leeann Burger (“the Respondent”), who holds a license to practice as a registered nurse (“RN”) in the State of Maryland, License No. R152616. The Respondent indicated on her renewal application that she had been convicted of a misdemeanor offense, specifically driving under the influence (“DUI”) in July 2014. A Board investigation found that the Respondent had another DUI charge since submitting her renewal application, and that the Respondent’s Pennsylvania RN license disciplined in December 2007, but she failed to report that discipline to the Board on at least four license renewal applications.

On or about February 1, 2017, upon a finding that the public health, safety, and welfare imperatively required emergency action, the Board issued an Order for Summary Suspension of Registered Nurse License and Notice of Disciplinary Charges under the Maryland Nurse Practice Act (“Charges”) against the Respondent’s RN license. The Charges alleged that the Respondent violated the Maryland Nurse Practice Act (“Act”), specifically § 8-316(a)(1), (3), and (18) of the Annotated Code of Maryland (“Md. Code Ann.”), Health Occupations Article (“H.O.”) (2014 Repl. Vol.). On or about February 27, 2017, after holding a show cause hearing on February 22, 2017, at which the Respondent appeared, the Board issued an Order Lifting and Terminating Summary Suspension of Registered Nursing License. As a result, the Respondent’s RN license was reinstated while the Charges against her RN license remained pending.



On April 17, 2017, the Respondent attended a case resolution conference ("CRC") at the Board to determine if the Board's Charges against the Respondent's RN license could be resolved without an evidentiary hearing. Attorney John R. Salvatore, Esquire, represented the Respondent during the CRC. The administrative prosecutor, W. Adam Malizio, Assistant Attorney General, represented the State. The Respondent and the State have agreed to, and Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order:

### **FINDINGS OF FACT**

The Board finds that:

1. On or about May 11, 2001, the Board issued the Respondent a license to practice as a RN in the State of Maryland. The Respondent's RN license is active and scheduled expired on October 28, 2017.

#### **Pennsylvania Board's "Final Adjudication and Order"**

2. In an interview with Board staff on November 30, 2016, the Respondent initially denied holding an RN license outside of Maryland. The Respondent later acknowledged that she practiced as a nurse in Pennsylvania, but stated she had not renewed her Pennsylvania RN license for many years.

3. Pennsylvania Board records show that the Respondent holds an RN license in Pennsylvania. Her Pennsylvania RN license expired on or about October 31, 2007.

4. On December 5, 2007, the Pennsylvania Board issued a Final Adjudication and Order in a case involving the Respondent's fitness to practice as a RN in Pennsylvania. The Final Adjudication and Order included the following findings of fact, among other things:

- a. On or about May 22, 2006, Respondent was on duty as a registered nurse at [a hospital] in . . . Pennsylvania.
- b. While disposing of an insulin needle Respondent accidentally stuck herself in the finger with a needle that was exposed inside of the disposal container.
- c. Pursuant to [hospital] protocol, Respondent's blood was drawn on three separate occasions in order to test for infectious diseases.

- d. The first of such tests, conducted May 22, 2016, resulted in a positive test for alcohol and marijuana.
- e. Respondent was tested again on June 9, 2006, and June 16, 2006, with the results of both tests indicating a positive result for marijuana.
- f. On March 29, 2007, the Commonwealth filed a petition for mental and physical examination (petition) and on March 29, 2007, the Probable Cause Screening Committee of the [Pennsylvania] Board issued an order compelling mental and physical examination (order) and notice of mental and physical examination (notice) scheduling the examination for May 24, 2007 . . . .
- g. On April 7, 2007, Respondent received the petition, order and notice.
- h. Respondent failed to appear and submit to the examination scheduled for May 24, 2007.<sup>[1]</sup>

5. The Final Adjudication and Order indefinitely suspended the Respondent's Pennsylvania RN license. The Final Adjudication and Order was mailed to the address that the Pennsylvania Board had on file at the time, which was the same address that the Pennsylvania Board's March 29, 2007 order and notice were served.

#### **Maryland RN Renewal Applications**

6. The Respondent submitted license renewal applications to the Board on or about August 15, 2008; October 13, 2011; October 1, 2012; and September 30, 2013.<sup>2</sup> On each of these renewal applications, the Respondent denied having pleaded guilty or nolo contendere or having been convicted of a misdemeanor or felony offense, and denied having had her license revoked or suspended by any licensing board or entity.

7. The Respondent submitted a renewal application to the Board on or about and September 16, 2015. On this renewal application, the Respondent indicated that she had pleaded guilty or nolo contendere or been convicted of a misdemeanor offense. The Respondent denied

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<sup>1</sup> The Pennsylvania Board's Final Adjudication and Order included 20 numbered findings of fact. The findings of fact reproduced in this Consent Order are quoted from the Final Adjudication and Order, but have been reorganized the original numbers have been replaced with letters.

<sup>2</sup> The Respondent also submitted license renewal applications to the Board between 2003 and 2007. Those applications are not relevant to this Consent Order.

having pleaded guilty or nolo contendere or having been convicted of a felony and denied having had her license revoked or suspended by any licensing board or entity.

#### **Pennsylvania DUI Charges**

8. On or about June 10, 2008, the Respondent was charged in Fulton County, Pennsylvania, with DUI while having a blood alcohol content of 0.241 percent. The arresting officer wrote in his Affidavit of Probable Cause that he observed the Respondent's vehicle "drifting over the right fog line and back across the centerline," then "drift onto the right berm, crossing the rumblestrip . . . narrowly missing the guide rail along the right berm."

9. On or about September 9, 2008, the Court of Common Pleas for Fulton County, Pennsylvania ("Court of Common Pleas") ordered that the Respondent be placed on probation for one year through Pennsylvania's accelerated rehabilitative disposition ("ARD"). On or about December 30, 2009, the Respondent successfully completed the ARD program.

#### **Maryland DUI Charges**

10. On or about July 12, 2014, the Respondent was involved in a traffic accident with another vehicle in Washington County, Maryland. The Respondent was subsequently charged with two counts of DUI and following another vehicle too closely. The arresting officer wrote in his Investigative Report that the Respondent had a blood alcohol concentration of "0.31 grams of alcohol per 210 liters of breath."

11. On or about November 5, 2014, the Respondent pleaded guilty in the District Court of Maryland for Washington County ("District Court") to one count of DUI. The District Court found the Respondent guilty, but entered probation for judgment. The District Court ordered the Respondent to 18 months of supervised probation and required the Respondent, among other things, to "[o]bey all laws and incur no serious motor violation" and to "[t]otally abstain from alcohol and abusive use of any drug." The District Court also ordered that the Respondent have an Interlock System installed on her vehicle for one year.

12. On or about January 1, 2016, the Respondent was involved in a traffic accident with another vehicle in Washington County, Maryland. According to the arresting officer's Alcohol Influence Report, police were notified while on route to the accident scene that one of the vehicles involved in the accident had fled the scene. According to the driver on the scene, he attempted to block the other driver from fleeing. The other driver, later identified as the Respondent, "steered [her truck] off the roadway and passed [the other driver] in the grass." Police went to the Respondent's address and observed damage to the Respondent's truck. A male resident told police that the Respondent had been driving the truck earlier in the day. The reporting officer wrote that the Respondent had "extremely slurred speech and difficulty dividing attention," as well as "difficulty speaking coherently." The Respondent did not provide a breath sample, but she failed three different field sobriety tests. Police issued 19 different citations to the Respondent, including, among others, two counts of DUI, failure to stop after an accident involving bodily injury, and negligent driving.

13. On or about July 5, 2016, the Respondent was found guilty in the District Court of one count of DUI, failure to stop after accident involving bodily injury, failure to return to and remain at scene of accident, and negligent driving. On September 6, 2016, the District Court sentenced the Respondent to 60 days of house arrest and three years of supervised probation.

14. On or about September 28, 2016, the District Court found the Respondent guilty of violating her probation in her earlier 2014 case. The District Court imposed a sentence of one year of incarceration, all but 60 days suspended, and to be served through house arrest concurrent to the sentence imposed in her 2016 DUI case.

15. Based upon the foregoing, the Board finds that the Respondent fraudulently or deceptively renewed her Maryland RN license by failing to report to the Board the 2007 discipline by the Pennsylvania Board; was disciplined by the Pennsylvania Board for violating a board order, an act that would grounds for discipline under the Maryland Nurse Practice Act; and is habitually intoxicated. The Respondent's conduct is in violation of H.O. § 8-316(a)(1), (3), and (18).

16. The Board further finds and concludes that the Respondent's violation of the Act falls within Guideline H(1) of the Board's sanctioning guidelines. See COMAR 10.27.26.07H(1). The range of potential sanctions under Guideline H(1) is from a minimum of probation for two years to a maximum of suspension for five years, and/or a minimum monetary penalty of \$1,500 to a maximum penalty of \$4,500. *Id.*

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated the Act, specifically the following provisions of the Health Occupations Article:

§ 8-316(a) *In general.* – Subject to the hearing provisions of § 8-317 of this subtitle, the Board may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the . . . licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or another;
- (3) Is disciplined by a licensing, military, or disciplinary authority in this State or in any other state or country for an act that would be grounds for disciplinary action under the Board's statutes, *to wit*:  
Health Occ. § 8-316(a)(30) – Violates regulations adopted by the Board or an order from the Board; and
- (18) Is habitually intoxicated[.]

### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that license of the Respondent, **Alea Leann Burger**, to practice in the State of Maryland as a registered nurse, License No. **R152616**, is hereby placed on **PROBATION** for a **minimum of five (5) years** subject to the following terms and conditions:

1. The Respondent's status as a registered nurse will be listed in the Board's computer records and website as being on "**Probation**";
2. The Respondent may seek employment as a registered nurse, but shall obtain Board approval prior to accepting any new registered nurse positions;

3. The Respondent shall immediately notify all employers of the probationary status of the Respondent's license and arrange for all employers to submit, in writing, confirmation that they have reviewed this Consent Order;

4. The Respondent shall arrange for the Respondent's supervisor at the Respondent's place of employment to submit written quarterly work-site reports to the Board evaluating the Respondent's registered nurse practice. If the Respondent's employment terminates at any of the Respondent's place(s) of employment prior to the due date of a quarterly report, then a final workplace report is due on the last day of employment. It is the Respondent's responsibility to ensure that such reports are submitted to the Board and to notify the Respondent's supervisor when these reports are due. An unsatisfactory report will be considered a violation of probation and this Consent Order;

5. The Respondent shall notify the Board in writing of any registered nurse position from which his employer terminates his employment and/or of any registered nurse position from which he voluntarily resigns within THREE (3) BUSINESS DAYS of the date of termination and resignation. The Respondent must include the reasons for the termination or resignation in any written notification to the Board. Failure to provide written notification to the Board of any termination or resignation as required by this paragraph shall constitute a violation of probation and this Consent Order;

6. The Respondent shall submit to the Board written monthly self-reports describing the Respondent's progress. Failure to provide written self-reports on time shall constitute a violation of probation and this Consent Order;

7. For the entire duration of the Respondent's probationary period until the Board terminates probation, the Respondent shall submit to random drug and alcohol screening tests subject to the following conditions:

- a. The Respondent shall submit to random drug and alcohol testing to be conducted at least once a month, but not more than fifteen (15) times per year, pursuant to the procedures set forth in the following subparagraphs 7.b.-f., or as otherwise directed by the Board, and cause all test results to be submitted to the Board. In addition, the Board, or the Respondent's employer(s), may order a drug or alcohol test by urine, breath, or blood testing at any time during the probationary period;
- b. The Respondent is responsible for registering with "First Lab" (First Hospital Laboratories, Inc.), or another entity designated by the Board, by contacting them at 1-800-732-3784, or on their website at www.firstlab.com, within five (5) days of the effective date of this Consent Order. After registering, the Respondent is responsible for contacting First Lab daily (Monday through Sunday) at 1-877-282-1911 and submitting to all First Lab testing requirements and policies and procedures. Failure to



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- register with or make daily contact with First Lab, or submit to a test as directed by First Lab, the Board, or the Respondent's employer shall be considered a violation of probation and of this Consent Order;
- c. Any positive or missed test directed or ordered by First Lab, the Board or the Respondent's employer(s) must be reported to the Board and will be considered a violation of probation and of this Consent Order;
  - d. Any tampering with a test sample or other improper attempt to avoid a positive drug or alcohol test result is a violation of probation and of this Consent Order;
  - e. The Respondent shall not consume poppy seeds, quinine water, hemp tea, or other products containing substances that could trigger a false positive drug or alcohol test; and
  - f. The Respondent shall remain drug and alcohol free.
8. The Respondent shall not take any Controlled Dangerous Substances ("CDS") or mood-altering drugs unless approved by the Respondent's healthcare provider;
9. If the Respondent is prescribed any medication, the Respondent will notify the Board immediately by telephone, and send a copy of the prescription or note from the prescribing physician to the Board within THREE (3) DAYS.
10. The Respondent shall show this Consent Order to any healthcare provider who prescribes for the Respondent including, but not limited to, dentists, physicians, nurse practitioners, and physicians' assistants.
11. If the Respondent is prescribed any CDS or mood altering medication, the Respondent shall, in addition to notifying the Board in writing, agree to have the Respondent's prescribing provider(s) provide to the Board a medication report or pharmacy report pertaining to the condition that necessitated the prescription within TEN (10) DAYS of each time the Respondent is prescribed any mood-altering substance or any Schedule II-V controlled substance. It is the Respondent's responsibility to ensure that these reports are submitted timely to the Board;
12. At any time during the probationary period, the Board may, in its discretion, order the Respondent to submit to an appropriate examination by a health care provider designated by the Board. The Respondent shall sign all necessary consent forms required to authorize disclosure of the examiner's written report to the Board, and the Board will pay the costs of this examination;
13. For a minimum period of one (1) year from the effective date of this Consent Order, the Respondent shall attend a total of three (3) Board-approved support group meetings per week. Two (2) the weekly support group meetings shall be with groups such

as AA or NA, and one(1) meeting per week shall be with a grief support group.

After one (1) year from the effective date of this Order has passed and for the remaining duration of the probationary period, the Respondent shall continue to attend two (2) Board-approved support group meetings with groups such as AA or NA until probation is terminated by further Order of the Board. The Respondent shall maintain a sponsor for the entire duration of the probationary period. The Respondent's failure to maintain a sponsor and attend support group meetings in accordance with the terms of this paragraph shall constitute a violation of probation and this Consent Order.

14. For a period of one (1) year from the effective date of this Consent Order, the Respondent shall provide the Board with signed attendance forms from the leader of the grief support group meetings on a monthly basis. For the entire duration of the probationary period, the Respondent shall provide the Board with signed attendance forms from the leader of the AA/NA support group meetings on a monthly basis. The Respondent's failure to submit documentation verifying attendance at the required support group meetings in accordance with the terms of this paragraph shall constitute a violation of probation and this Consent Order.

15. The Respondent shall submit to an in-person, face-to-face meeting with Board staff, as requested to do so throughout the duration of the probationary period.

16. This Consent Order shall be applicable to the Respondent's multi-state privilege to practice as a registered nurse and, for the duration of the Consent Order, the Respondent may not work outside of Maryland pursuant to a multistate licensure privilege or pursuant to a license issued by a non-party state without written permission of the Maryland Board of Nursing and the nursing board in the party or non-party state where the Respondent wishes to work;

17. The Respondent shall disclose a copy of this Consent Order to the nursing board of any other state where the Respondent is employed and shall obtain and submit to this Board written acknowledgement of that disclosure;

18. In the event the Respondent moves permanently or temporarily, either within or outside the State of Maryland, the Respondent shall notify the Board of the Respondent's new address and phone number within three (3) days of the move;

19. The Respondent shall obey all state and federal laws. If the Respondent is convicted of, or pleads guilty to, any crimes, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Respondent must notify the Board, in writing, of any conviction(s) or guilty plea(s) within TEN (10) DAYS of the conviction or guilty plea. Failure to report a conviction or guilty plea to the Board in writing within

TEN (10) DAYS is a violation of probation and this Consent Order; and it is further ORDERED that the Respondent must contact and schedule an appointment with the Board's Discipline and Compliance unit no later than ten (10) business days from the effective date of this Consent Order to begin compliance with the terms and conditions of her probation. Failure to contact the Board as required by this paragraph will constitute a violation of probation and of this Consent Order; and it is further

ORDERED that the Respondent shall be responsible for paying all costs required to comply with the terms and conditions of this Consent Order; and it is further

ORDERED that in the event the Board issues to the Respondent another type of license or certificate that the Board is authorized to grant, that license or certificate will also be subject to the terms of this Consent Order; and it is further

ORDERED that no earlier than five (5) years after the effective date of this Consent Order, the Board will consider a petition of the Respondent to terminate the Respondent's probationary status, provided that the Respondent has been compliant with the probationary terms of this Consent Order and safely employed as a registered nurse for a minimum of nine (9) months immediately preceding submission of a petition for termination of probation; and it is further

ORDERED that, unless and until terminated by further order of the Board, the Respondent's probation, once effective, shall continue indefinitely; and it is further

ORDERED that there shall be no early termination of probation. The Board will not consider any requests from the Respondent to terminate probation any earlier than five (5) years from the effective date of this Consent Order; and it is further;

~~ORDERED that if the Respondent violates any of the terms and conditions of probation~~ and/or this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board if and only if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other

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disciplinary sanction which the Board may have imposed in this case under H.O. § 8-316(a), including reprimand, additional probation, active or stayed suspension, revocation, and/or a monetary penalty; and it is further

**ORDERED** that this Consent Order is a final decision and order of the Maryland Board of Nursing and is a **PUBLIC RECORD** pursuant to of the Md. Code Ann., Gen. Prov. § 4-101 *et seq.* (2014).


5/23/17  
Date

Sabita Persaud, Phd, RN, APHN-BC  
The President's Signature  
Appears on the Original Document

CONSENT

By this Consent, I acknowledge that I have read the foregoing Consent Order in its entirety and I admit the truth of the Findings of Fact, and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under § 10-222 of the Annotated Code of Maryland, State Government Article.

I sign this Consent Order, after having an opportunity to consult with legal counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms and effect of this Consent Order.

  
ALEA LEEANN BURGER  
License No. R152616

NOTARIZATION

STATE OF Maryland

CITY/COUNTY OF Washington

I HEREBY CERTIFY that on this 8<sup>th</sup> day of May, 2017,  
before me, a Notary Public of the State of Maryland of the City/County aforesaid,  
personally appeared **Alea Leeann Burger** and declared and affirmed under penalties of perjury  
that signing the foregoing Consent Order was the voluntary act and deed of **Alea Leeann Burger**.

(SEAL)

*Delia Z. Kirk*  
Signature of NOTARY PUBLIC

My commission expires: 10/6/19