

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **MARIANNE PHELAN STEWART, R.N.**
License Number: 0001-107442
Case Number: 178102

RATIFICATION AND ORDER

On November 15, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Marianne Phelan Stewart, R.N., submitted written comments.

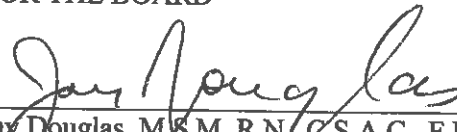
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, 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.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Stewart's health records or health services.

Since Ms. Stewart failed to appear at the informal conference, this Order shall be considered final. Ms. Stewart has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Stewart has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD



Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

December 1, 2017

Certified True Copy

By 

Virginia Board of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MARIANNE PHELAN STEWART, R.N.
License Number: 0001-107442
Case Number: 178102

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on September 12, 2017, in Henrico County, Virginia, to inquire into evidence that Marianne Phelan Stewart, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Stewart did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated August 14, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Stewart notifying her that an informal conference would be held on September 12, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The certified mail receipt was signed and returned to the Board office. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Stewart and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Marianne Phelan Stewart, R.N., was issued License Number 0001-107442 to practice professional nursing on August 17, 1987, which is scheduled to expire on February 28, 2019. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. Marianne Phelan Stewart, R.N., violated Virginia Code § 54.1-3007(6), as evidenced by the following:
 - a. On January 20, 2017, Ms. Stewart was admitted to the psychiatric unit at U.VA. Health System, Prince William Medical Center, Manassas, Virginia (“PWMC”), pursuant to a temporary detention order (“TDO”) due to symptoms of mania and acute psychosis. She was discharged on January 26, 2017, with a diagnosis of unspecified psychosis not due to a substance or known physiological condition.
 - b. Records indicate that from January, 2016 to January, 2017, Ms. Stewart received mental health treatment with the Community Services Board, Behavioral Health, Manassas, Virginia (“CSB”), where her most recent diagnosis was schizoaffective disorder, depressive type. Following an emergency evaluation conducted on January 20, 2017, the CSB recommended that Ms. Stewart be admitted to psychiatric treatment pursuant to a TDO due to disorganized behavior which placed her at risk of harm. The CSB also noted the likelihood that she would deteriorate further if intervention was not commenced.
 - c. On December 22, 2016, Ms. Stewart was admitted to the psychiatric unit at PWMC after presenting with mania, pressured speech, and delusional thought processes. She was discharged on January 9, 2017, with a diagnosis of psychosis.

d. On December 20, 2016, Ms. Stewart was admitted to Dominion Hospital, Falls Church, Virginia (“Dominion”), pursuant to a TDO. She was discharged on December 22, 2016, with a diagnosis of schizoaffective disorder. The clinical documentation record notes that Ms. Stewart had one other psychiatric admission to Dominion in July, 2016.

e. On December 20, 2016, Ms. Stewart was transported by the police from the CSB to the emergency department at PWMC under an emergency custody order (“ECO”) for a mental health evaluation after exhibiting bizarre behavior and “flight of ideas.” Ms. Stewart was diagnosed with psychosis, unspecified and subsequently transferred to Dominion.

f. On November 21, 2016, Ms. Stewart was transported by the police to the emergency department at PWMC under an ECO for a mental health evaluation due to concerns about Ms. Stewart’s behavior. She was diagnosed with mood disturbance and subsequently transferred to the psychiatric unit at INOVA Fairfax Hospital, Falls Church, Virginia.

g. Ms. Stewart’s records indicate that between on December 26, 2012 and May 30, 2013, she had approximately four psychiatric admissions to PWMC, both voluntary and involuntary, where she received diagnoses of bipolar disorder, depressed; depression; psychosomatic symptoms; and psychosis, not otherwise specified.

h. Ms. Stewart’s records indicate that between January 10, 2012 and April 30, 2012, she had approximately five psychiatric admissions to PWMC, both voluntary and involuntary, where she was diagnosed with suicidal ideation and attempt; depressive disorder, psychosis, not otherwise specified; rule out bipolar mood disorder; manic episode with psychotic features; major depressive disorder; recurrent, severe, without psychotic features; personality disorder, not otherwise specified; and bipolar affective disorder, currently mixed.

i. Ms. Stewart's records indicate that between December 13, 2010 and November 14, 2011, she had approximately seven psychiatric admissions to PWMC, both voluntary and involuntary. Three of those admissions were secondary to suicide attempts where she intentionally overdosed on medications. She was diagnosed with suicidal ideation and attempt; major depressive disorder, recurrent, stable; psychosis, not otherwise specified, stable; catatonic state; paranoid schizophrenia; and schizoaffective disorder. She received inpatient and outpatient electroconvulsive therapy treatments between on April 26, 2011 and July 21, 2011.

3. On February 7, 2017, during an interview with an investigator from the Department of Health Professions, Ms. Stewart reported that she has not practiced nursing since 2010. She is on social security disability, is unable to work and does not intend to return to work as a nurse.

4. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Stewart's health records or health services.

Recommended Order

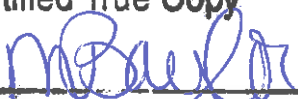
Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The license issued to Marianne Phelan Stewart, R.N., to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Ms. Stewart will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Ms. Stewart, seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Stewart to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Stewart

shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on October 5, 2017
By Jane Elliott, R.N., Ph.D.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing