

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARILYN M. GORDON, R.N.
License No.: 0001-088197

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Nursing ("Board") met on February 9, 2016, in Henrico County, Virginia, to inquire into evidence that Marilyn M. Gordon, R.N. may have violated certain laws governing professional nursing practice in Virginia. Ms. Gordon was not present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Marilyn M. Gordon, R.N. was issued License No. 0001-088197 to practice professional nursing in the Commonwealth of Virginia on March 21, 1983. Said license expires on March 31, 2017. Ms. Gordon's primary state of residence is Virginia.
2. By letter dated January 12, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gordon notifying her that an informal conference would be held on February 9, 2016. The Notice was sent by certified and first class mail to 3305 Campbell Avenue, Lynchburg, Virginia 24501, the address of record on file with the Board of Nursing. 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. Ms. Gordon contacted the Board by electronic mail on February 1, 2016 and on February 8, 2016 to state that she could not attend the informal conference. The Committee Chair concluded that adequate notice was provided to Ms. Gordon and the informal conference proceeded in her absence.

3. From April 10 through April 14, 2015, Ms. Gordon received inpatient psychiatric treatment at Virginia Baptist Hospital, Lynchburg, Virginia for depression and suicidal ideations. Her discharge diagnoses included major depressive disorder with psychotic features versus delusional disorder versus schizoaffective disorder, depressive type.
4. From October 29 through November 3, 2014, Ms. Gordon received inpatient psychiatric treatment at Virginia Baptist Hospital for depression, anxiety, and suicidal ideations. Her discharge diagnoses included major depression, adjustment disorder with anxious and mixed features, and psychosis, resolved.
5. From October 17 through December 15, 2014, Ms. Gordon received treatment at Christian Counseling Services, Lynchburg, Virginia where she was diagnosed with moderate major depressive disorder, recurrent. Ms. Gordon stopped attending counseling sessions due to financial limitations.
6. From November 18, 2014 through July 17, 2015, Ms. Gordon received treatment at Piedmont Psychiatric Center, Centara Medical Group, Lynchburg, Virginia, for a diagnosis of major depressive disorder with psychotic features.
7. Ms. Gordon began working as School Nurse Coordinator for Lynchburg Public Schools, Lynchburg, Virginia on January 2, 2003. She took Family and Medical Leave Act leave to, in her words, “face and deal with the issues and circumstances surrounding” her. Ms. Gordon resigned from her position effective August 4, 2015. There were no disciplinary actions in her personnel file.
8. In a written communication to the Board of Nursing, Ms. Gordon indicated that she had not worked since her resignation on August 4, 2015 and that she was taking the time to get well.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3 through 6 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The Committee shall TAKE NO ACTION at this time, contingent upon Ms. Gordon's compliance with the following terms and conditions:
 - a. Ms. Gordon shall enter into the Health Practitioners' Monitoring Program ("HPMP"), pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and shall have proof of entry into a Contract with the HPMP provided to the Board within 45 days of the date this Order is entered.
 - b. Ms. Gordon shall continue to comply with all terms and conditions of the Recovery Monitoring Contract ("Contract") with the HPMP for the period specified in the Contract.
2. This Order shall be applicable to Ms. Gordon's multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Ms. Gordon shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Gordon wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Marilyn M. Gordon, R.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Gordon shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Gordon has failed to make application to the HPMP;
 - b. Ms. Gordon is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - c. There is a pending investigation or unresolved allegation against Ms. Gordon involving a violation of law or regulation or any term or condition of this Order; or

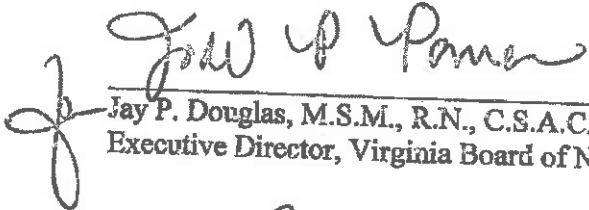
d. Ms. Gordon has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Gordon's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Gordon's appearance before the Board and conduct an administrative review of this matter.

4. Ms. Gordon shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Gordon may, not later than 5:00 p.m., on March 23, 2016, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.


FOR THE COMMITTEE:



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

ENTERED: February 19, 2016

This Order shall become final on March 23, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing