

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: MARLA RENEE DEPRIEST-HUBBARD, L.P.N.**  
**License Number: 0002-074752**  
**Case Number: 178089**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on August 8, 2017, in Henrico County, Virginia, to inquire into evidence that Marla Renee Depriest-Hubbard, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Marla Renee Depriest-Hubbard, L.P.N., appeared at this proceeding and was represented by Nathan Mortier, Esquire.

**NOTICE**

By letter dated May 19, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Depriest-Hubbard notifying her that an informal conference would be held on June 20, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. Ms. Depriest-Hubbard requested and received a continuance. By letter dated June 8, 2017, Ms. Depriest-Hubbard was notified that the informal conference would be held on August 8, 2017.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Marla Renee Depriest-Hubbard, L.P.N., was issued License Number 0002-074752 to practice practical nursing on October 24, 2006, which is scheduled to expire on July 31, 2019. At all

times relevant to the findings contained herein, said license was current and active. Her primary state of residence is Virginia.

2. By Order of the Board entered on February 19, 2016, Ms. Depriest-Hubbard was reprimanded and ordered to complete several NCSBN online courses and undergo an evaluation by a mental health/chemical dependency specialist. This Order was based on findings that she withdrew medications and failed to document administration or wastage.

3. During the course of her employment with Kendal of Lexington, Lexington, Virginia:

a. Ms. Depriest-Hubbard violated Virginia Code § 54.1-3007(5) and (8) in that on December 19, 2016, she administered the following medications to Resident A that were not prescribed to her, but to Resident A's roommate: vancomycin 125mg (C-VI), probiotic (C-VI), Diff Stat (C-VI), acebutolol, 200mg (C-VI), gabapentin 600mg (Neurotin, C-VI), hydralazine 50mg (C-VI), pramipexole 0.25mg (Mirapex, C-VI), Vitamin C 1,000mg (C-VI), and oxycodone acetaminophen 5mg (C-II). Subsequently, Resident A was transported to the emergency room for low blood pressure, as a result of receiving the wrong medications.

b. Ms. Depriest-Hubbard violated Virginia Code § 54.1-3007(5) in that during medication administration on December 19, 2016, she held Resident B's lips together and told her to "swallow, swallow." Resident B consistently reported the incident to facility staff, the facility administrator and the Department of Health Professions investigator.

4. Ms. Depriest-Hubbard's employment was terminated on December 19, 2016, as a result of the above-referenced incidents.

5. Ms. Depriest-Hubbard has had six employment terminations since 2013. She has been employed at Friendship Manor since March 2017 and reported no medication errors. She also provided letters of support from her colleagues and residents.

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Marla Renee Depriest-Hubbard, L.P.N., is placed on PROBATION subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Marla Renee Depriest-Hubbard, L.P.N., has completed two years of active practical nursing practice.

b. The license shall be reinstated without restriction upon completion of the probation terms, unless there is a pending investigation or unresolved allegation involving a violation of law or regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely until such time as the Board makes a case decision in accordance with the Administrative Process Act (Virginia Code § 2.2-4000 et seq.) and Virginia Code § 54.1-2400(9).

c. Ms. Depriest-Hubbard shall only practice practical nursing under the following conditions: In a structured, supervised practice employment setting pre-approved by the Board, under the on-site supervision of a Board-approved physician, licensed nurse practitioner, professional nurse or licensed practical nurse who holds an unrestricted license, works on the same shift, on the same level of the building, for the first two years of probation. For all current practice employment, and before beginning or changing practice employment during this period, Ms. Depriest-Hubbard shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

d. Within 60 days from the date of entry of this Order, Marla Renee Depriest-Hubbard, L.P.N., shall provide written proof satisfactory to the Board of successful completion of the

following NCSBN course: *Medication Errors: Causes & Prevention*. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

- e. Ms. Depriest-Hubbard shall submit “Self Reports” which include a current address, telephone number, email address, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Depriest-Hubbard has current practice employment or not. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date of entry of the Order and subsequent reports due the last day of the months of March, June, September and December until Ms. Depriest-Hubbard is notified, in writing, that the reporting requirement is ended.
- f. Ms. Depriest-Hubbard shall notify the Board within ten days, in writing, of: any change in address, telephone number, or e-mail address of the respondent; changes in the location of her practice; additional practice locations; change in employment, including termination, suspension, separation, or other interruption in practice (including the name and address of any new employer and the date of employment); criminal charges or convictions.
- g. Ms. Depriest-Hubbard shall provide her current employer within 45 days of the entry of the Order, and each future employer immediately upon employment, with a copy of this Order in its entirety.
- h. Ms. Depriest-Hubbard shall ensure that the supervisor shall provide quarterly reports to the Board regarding her clinical judgment, clinical performance, recordkeeping, documentation, medication administration and overall performance. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date this Order is entered, and subsequent reports due the last day of the months of March, June, September and December until Ms. Depriest-Hubbard is notified, in writing, that the reporting requirement is ended.

i. Ms. Depriest-Hubbard shall, within 45 days of the date of entry of this Order, return all copies of her current license, along with any required fee, to the Board office, and the Board shall issue Ms. Depriest-Hubbard a license marked, “Valid in Virginia Only: Probation with Terms.”

2. Marla Renee Depriest-Hubbard, L.P.N., shall bear any costs associated with the terms and conditions of this Order.

3. Marla Renee Depriest-Hubbard, L.P.N., shall comply with all laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of practical nursing shall constitute grounds for further disciplinary action.

5. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Marla Renee Depriest-Hubbard, L.P.N., and an administrative proceeding shall be held to determine whether to impose such action.

6. This Order shall remain in effect until the Board has notified Marla Renee Depriest-Hubbard, L.P.N., in writing that she is released from probation.

7. The Executive Director of the Board is authorized to issue an Order or letter acknowledging satisfactory completion of the foregoing conditions or to refer the matter to an administrative proceeding for review of Ms. Depriest-Hubbard’s compliance with the foregoing conditions.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

FOR THE BOARD




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

ENTERED AND MAILED: August 18, 2017

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Virginia Code § 54.1-2400(10), Ms. Depriest-Hubbard may, not later than 5:00 p.m., on September 20, 2017, notify Jay 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. This Order shall become final on September 20, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy  
By   
Virginia Board of Nursing