

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARLA R. DEPRIEST-HUBBARD, L.P.N.
License No.: 0002-074752

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 Ms. Depriest-Hubbard may have violated certain laws and regulations governing practical nursing practice in Virginia. Ms. Depriest-Hubbard was 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. Marla R. Depriest-Hubbard was issued License No. 0002-074752 to practice practical nursing in the Commonwealth of Virginia on October 24, 2006. Said license expires on July 31, 2017. She holds an expired license to practice practical nursing in Ohio. Ms. Depriest-Hubbard’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. Depriest-Hubbard notifying her that an informal conference would be held on February 9, 2016. The Notice was sent by certified and first class mail to 9726 Narrow Passage Road, Eagle Rock, Virginia 24085, the address of record on file with the Board of Nursing.
3. During the course of her employment with Golden Living Center- Alleghany, Clifton Forge, Virginia:

a. On May 27, 2015, at 5:00 p.m., Ms. Depriest-Hubbard withdrew one tablet of Klonopin 0.25mg (clonazepam, C-IV) for Resident A, but failed to document its wastage or administration.

b. On May 27, 2015 at 6:30 p.m., Ms. Depriest-Hubbard withdrew one tablet of Norco 5/325mg (hydrocodone/ acetaminophen, C-II) for Resident B, but failed to document its wastage or administration.

c. On May 10, 2015 at 11:00 a.m., Ms. Depriest-Hubbard withdrew one tablet of Ativan 1mg (lorazepam, C-IV) for Resident C, but failed to document its wastage or administration.

d. On May 27, 2015 at 9:00 p.m., Ms. Depriest-Hubbard withdrew one tablet of Norco 5/325mg for Resident D, but failed to document its wastage or administration.

4. As a result of these incidents, Ms. Depriest-Hubbard's employment with Golden Living Center-Alleghany was terminated on May 28, 2015.

5. On her application for employment with Golden Living Center- Alleghany dated April 24, 2015:

a. Ms. Depriest-Hubbard wrote that her reason for leaving employment with Carrington Place at Botetourt, Daleville, Virginia ("Carrington Place"), was "different opportunity came available." In fact, her employment with Carrington Place was terminated on May 20, 2013 due to insubordination. Further, Ms. Depriest-Hubbard represented that she began employment with Carrington Place in 2007. In fact, Ms. Depriest-Hubbard was hired on or about October 2, 2008.

b. Ms. Depriest-Hubbard failed to disclose previous employment with Kissito Health Care, Hot Springs, Virginia, from May 22, 2013 through June 20, 2013, Pheasant Ridge Nursing and Rehabilitation, Roanoke, Virginia ("Pheasant Ridge") from August 19, 2013 through December 2, 2013, and Our Lady of the Valley Retirement Community, Roanoke, Virginia ("Our Lady of the Valley"), from

December 12, 2013 through January 1, 2014. Ms. Depriest-Hubbard's employment was terminated from all three facilities.

6. On her application for employment with Kissito Health Care dated May 20, 2013, Ms. Depriest-Hubbard failed to disclose her reason for leaving employment with Carrington Place.

7. On her application for employment with Pheasant Ridge dated June 24, 2013, Ms. Depriest-Hubbard failed to disclose her reason for leaving employment with Carrington Place and she failed to disclose her previous employment with Kissito Health Care.

8. On her application for employment with Our Lady of the Valley dated December 3, 2013, Ms. Depriest-Hubbard wrote that her reason for leaving employment with Carrington Place was "mother got ill." In fact, Ms. Depriest-Hubbard's employment with Carrington Place was terminated. Further, Ms. Depriest-Hubbard failed to disclose her previous employment with Kissito Health Care and Pheasant Ridge.

9. At the informal conference, Ms. Depriest-Hubbard stated that she did not believe that she had a legal or ethical obligation to answer questions on employment applications honestly and truthfully.

10. Ms. Depriest-Hubbard admitted to having anxiety and panic attacks, for which she takes clonazepam (C-IV) two to three times a week. Ms. Depriest-Hubbard is also a chronic pain patient, for which she is prescribed and utilizes high dose Duragesic (fentanyl, C-II) patches for continuous narcotic administration and oxycodone/acetaminophen tablets for breakthrough pain two to three times a day.

11. At the informal conference, Ms. Depriest-Hubbard was intermittently tearful and angry, and she had difficulty expressing herself.

CONCLUSIONS OF LAW

1. Finding of Fact Nos. 3(a) through 3(d) constitute a violation of § 54.1-3007(5) of the Code.
2. Findings of Fact Nos. 5 through 8 constitute a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.

3. The Committee has determined probable cause to believe that Ms. Depriest-Hubbard may be unsafe to practice practical nursing due to substance abuse and/or mental and/or physical illness.

ORDER

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

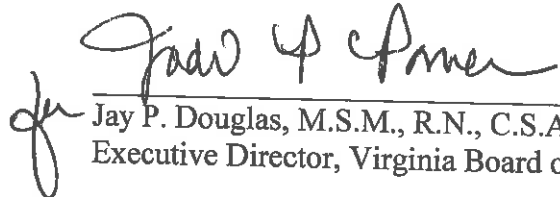
1. Marla R. Depriest-Hubbard, L.P.N. is hereby REPRIMANDED.
2. Ms. Depriest-Hubbard shall provide the Board with verification that she has completed the following NCSBN online courses within 90 days of the date this Order is entered: *Documentation: A Critical Aspect of Client Care; Professional Accountability & Legal Liability for Nurses; and Righting a Wrong: Ethics and Professionalism in Nursing*. These courses shall not be credited toward the continued competency requirements for the next renewal of her license.
3. Pursuant to § 54.1-2400(15) of the Code, Ms. Depriest-Hubbard shall have an evaluation by a mental health/chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within 90 days after the date that this Order is entered. Upon receipt of the required information, the Board may request that Ms. Depriest-Hubbard reappear before a Special Conference Committee in order to consider the specialist's recommendations and to make a final disposition of the matter.
4. Ms. Depriest-Hubbard shall maintain a course of conduct in her capacity as a licensed practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.
5. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of practical nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or

revocation of the license of Ms. Depriest-Hubbard and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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. Depriest-Hubbard 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 M. Baylor
Virginia Board of Nursing