



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4555
Nurse Aide Registry (804) 367-4639
FAX (804) 527-4455

June 26, 2014

Amanda L. Marshall, R.N.
a.k.a. Amanda Guth
2442 Denniston Avenue
Roanoke, VA 24015

CERTIFIED MAIL
71969008911191941518

4809 Celtic Circle
Salem, Virginia 24153

CERTIFIED MAIL
71969008911191941495

Re: **VA License No.: 0001-174830**
Expiration Date: May 31, 2016

Dear Ms. Marshall:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on August 4, 2014, at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will inquire into allegations that you may have violated certain laws and regulations governing professional nursing practice in Virginia.

Specifically:

1. During the course of your employment with Carilion Roanoke Memorial Hospital, Roanoke, Virginia:
 - a. You may have violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing in that:

i. On or about July 10, 2013, you failed to administer Patient A's medications as ordered. You administered fentanyl 50mcg (Schedule II) at 1619 hours and oxycodone (Schedule II) at 1627; however, Patient A was ordered oxycodone two tablets every four hours as needed and fentanyl 50mcg by intravenous every two hours as needed and if oral analgesics were ineffective 45 minutes after given.

ii. On or about August 8, 2013, you failed to administer Patient B's medications as ordered. You administered fentanyl 50mcg and oxycodone at 0956 hours; however, Patient B was ordered oxycodone every three hours to be used first, as needed for pain and fentanyl 50mcg by intravenous every hour as needed for pain on a scale of 7 to 10 and if oral analgesics were ineffective 45 minutes after given.

iii. On or about August 20, 2013, at 1552 hours, you withdrew morphine 4mg for Patient C and documented administration of 4mg; however, he only had orders for 2mg and 3mg.

iv. On or about September 6, 2013, you failed to administer a Lovenox (enoxaparin, Schedule VI) injection to Patient D within 30 minutes of stopping her heparin drip, as ordered.

v. On or about September 10, 2013, you failed to administer Patient G's 0900 medications until approximately 1031 hours. Also, at 1415 hours, you silenced Patient G's oxygen saturation alarm, which had a reading of 77%, and walked away without assessing the situation.

b. You may have violated § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations in that:

i. On or about August 7, 2013, at 1408 hours, you withdrew fentanyl 100mcg for Patient B and documented administering 50mcg at 1413 hours. You failed to document wasting the remaining 50mcg.

ii. On or about August 20, 2013, at 0809 hours, you withdrew morphine (Schedule II) 4mg for Patient C and documented administering 3mg; however, you failed to document any wastage.

iii. On or about August 20, 2013, at 1136 hours, you withdrew morphine 10mg using Patient F's name, and documented administering 3mg to Patient C and wasting 7mg.

iv. On or about August 25, 2013, at 0954 hours, you withdrew fentanyl 100mcg using Patient G's name; however, you failed to document administration or wastage.

v. On or about September 13, 2013, you withdrew a Dilaudid (hydromorphone, Schedule II) PCA syringe for Patient H and removed 4ml of the medication for your personal and unauthorized use.

c. You may have violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations in that, on or about September 10, 2013, you documented performing an assessment of Patient E at 0800 hours, although you reported to your preceptor at 0950 hours that you had not performed the assessment and documented performing it at 1300 hours.

d. You may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that, on or about July 19, 2013, you falsely documented eight hours on your timesheet for completion of required educational courses; however, you completed only a four and one-half hour course.

2. You may be in violation of § 54.1-3007(6) of the Code in that you may be unable to safely practice professional nursing due to substance abuse and physical and/or mental illness which require medication and treatment.

Please see Attachment I for the names of the patients referred to above.

In its deliberations, the Committee may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you;
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

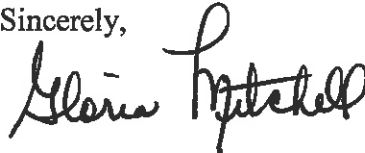
To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive,

Suite 300, Henrico, Virginia 23233, by July 28, 2014. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice, can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director

GDM/yrf

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Tammie D. Jones, Adjudication Specialist
James Wall, Investigator (Case no. 153510)
Peggy Wood, Monitoring Program Coordinator