

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

AMY N. MARSHALL, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Amy N. Marshall, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Marshall's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Amy N. Marshall, R.N., was issued License No. 0001-215809 to practice professional nursing by the Virginia Board of Nursing on October 6, 2008. Said license is set to expire on June 30, 2012. Her primary state of residence is Virginia.
2. Between May, 2010, and October, 2010, during the course of her employment with Reston Hospital Center, Reston, Virginia, Ms. Marshall diverted hydromorphone for her own personal and unauthorized use. She administered the medication to herself intravenously while she was on duty. On some occasions, Ms. Marshall wrote verbal orders for hydromorphone which were not authorized by the physicians.
3. Ms. Marshall signed a participation contract with the Health Practitioners' Monitoring Program ("HPMP") on November 2, 2010, and a recovery monitoring contract on February 21, 2011. She has also been attending an aftercare group weekly and individual therapy twice monthly. She submitted a positive urine drug screen for marijuana on February 21, 2011, at which point she was placed on warning status; however, since that time, she has submitted all negative screens and remains in compliance with the terms and conditions of her contract with HPMP.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

CONSENT

Amy N. Marshall, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice as a nurse aide in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS that it shall TAKE NO ACTION at this time contingent expressly upon Ms. Marshall’s compliance with the following terms and conditions:

1. Ms. Marshall shall comply with all terms and conditions of the Contract with the HPMP for the period specified in the Contract.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Marshall, and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Marshall shall be noticed to appear before a Committee at such time as the Board is notified that:
 - a. Ms. Marshall is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP, or
 - b. There is a pending investigation or unresolved allegations against Ms. Marshall involving a violation of law, regulation or any term or condition of probation or this order, or
 - c. Ms. Marshall has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Marshall's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Marshall's appearance before the Board, and conduct an administrative review of this matter.
3. This Order is applicable to Ms. Marshall's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Marshall shall not work outside of 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 she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
4. Ms. Marshall 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 upon request.

FOR THE BOARD


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

ENTERED: September 29th, 2011

SEEN AND AGREED TO:

A. Marshall, R.N.
AMY N. MARSHALL, R.N.

Certified True Copy

By Samara Farmer
Virginia Board of Nursing

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Fairfax, TO WIT:

Subscribed and sworn to before me, Jeffrey D. Austinson, a Notary Public, this 29th day of August, 2011.

My commission expires August 31, 2013.

Registration Number 382998.


NOTARY PUBLIC

