

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MARWA TAMAN, R.N.
License Number: 0001-260913
Case Number: 169379

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on May 18, 2016, in Henrico County, Virginia, to inquire into evidence that Marwa Taman, R.N., may have violated certain laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

Marwa Taman, R.N. did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated April 26, 2016, the Board of Nursing sent a Notice of Formal Hearing ("Notice") to Ms. Taman notifying her that a formal administrative hearing would be held on May 18, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

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

FINDINGS OF FACT

1. Marwa Taman submitted an application for licensure by endorsement to practice professional nursing in the Commonwealth of Virginia on April 16, 2015. She declared New York as

her primary state of residence. On her application, she noted that she held a registered nursing license in New York, and she indicated that her New York license was on probation.

2. Based upon the representations of James Schliessmann, Senior Assistant Attorney General, and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to Ms. Taman and the hearing proceeded in her absence.

3. Ms. Taman was issued a Virginia license to practice professional nursing in error on August 21, 2015. Said license is scheduled to expire on September 30, 2016.

4. Ms. Taman's license to practice professional nursing has been denied, revoked, suspended, or restricted in the following states:

a. In an Arizona State Board of Nursing Order/Consent Agreement, entered on March 19, 2008, her license to practice professional nursing was placed on indefinite suspension pending completion of certain terms and conditions. This action was based upon findings that during the course of her employment with Phoenix St. Luke's Hospital, Tempe St. Luke's Hospital, Select Specialty Hospital and Arrowhead Hospital for Champion Healthcare, between April 7, 2007 and January 11, 2008, she had numerous narcotic discrepancies, a positive for-cause urine drug screen for morphine (C-II) and oxycodone (C-II) without a valid prescription, slurred speech and unsteadiness and diversion of narcotics while on duty. Due to the above reported violations, prior to the indefinite suspension of her license, her license was summarily suspended on January 24, 2008.

b. In an Arizona State Board of Nursing Order/Consent for Entry of Voluntary Surrender Order entered on or about June 29, 2010, her license to practice professional nursing was voluntarily surrendered. This Order was based upon the following findings of fact: that she had violated terms and conditions of the previous Arizona Board of Nursing Order, entered on or about

March 19, 2008, that she was deemed unsafe to practice nursing, that she had a positive urine drug screen for alprazolam (C-IV), for which she did not have a prescription, and that she had requested to voluntarily surrender her license to practice professional nursing. Ms. Taman's Arizona nursing license has not been reinstated.

c. By letter dated March 25, 2011, from the Texas Board of Nursing, Ms. Taman's application for licensure to practice professional nursing in the State of Texas was denied due to previous Board action in Arizona and criminal convictions in Montana.

d. In a Consent Order of the New York State Board for Nursing, entered on or about May 1, 2012, Ms. Taman's license was suspended for two years with the suspension stayed contingent upon two years of probation. This action was based on the 2008 Consent Order with the Arizona State Board of Nursing

5. On her application for licensure by endorsement in Virginia dated April 16, 2015:

a. She falsely answered "no" to Question No. 1, which asked whether she had ever applied for a license as a health care provider in Virginia or any other state or jurisdiction. However, she had applied for licenses to practice as a professional nurse in New York, Arizona and Texas. In an addendum received by the Board on June 15, 2015, she listed her previous licenses in New York and Arizona but still failed to mention Texas.

b. She falsely answered "no" to Question No. 2, which asked whether she had ever been denied a license as a health care provider in Virginia or any other state. In the addendum received by the Board on June 15, 2015, she again answered "no" to the same question. However, on March 25, 2011, she had been denied a license to practice professional nursing in Texas.

c. She falsely answered "no" to Question No. 3, which asked whether she had ever been convicted of, or pled guilty to a violation of any law constituting a misdemeanor or felony.

However, she pled guilty to and was convicted one count of misdemeanor obstruction of a peace officer and one count of misdemeanor forgery on March 8, 2001, in the County of Missoula, Justice Court of the State of Montana.

6. On March 8, 2001, in the county of Missoula, Justice Court of the State of Montana, Ms. Taman pled guilty to and was convicted of one count of misdemeanor forgery.

7. As evidenced in the Arizona State Board of Nursing Order/Consent Agreement, entered on March 19, 2008:

a. During the course of her employment with Tempe St. Luke's Hospital, Tempe, Arizona, on April 7, 2007, Ms. Taman diverted Percocet (oxycodone, C-II) from a patient and falsely documented administering the medication to the patient on the patient's Medication Administration Record ("MAR").

b. During the course of her employment with Champion Medical Staffing, while on assignment at Arrowhead Hospital, Glendale, Arizona, on January 10, 2008 and January 11, 2008, Ms. Taman diverted morphine (C-II), oxycodone, zolpidem tartrate (C-IV) and alprazolam (C-IV) from multiple patients. She also falsely documented that she had administered the medications to the patients, but the patients indicated that they had not received the medications.

8. During the course of her employment with St. Luke's Medical Center, Phoenix, Arizona, on September 2, 2007, Ms. Taman tested positive for opiates (morphine and oxycodone), for which she did not have a prescription. During the course of her employment with Champion Medical Staffing, while on assignment at Surgical Specialty Hospital of Arizona, Phoenix, Arizona, on December 14, 2007, she was impaired while on duty in that she was described as having slurred speech and staggering. On June 13, 2008, Ms. Taman underwent a chemical dependency evaluation. The

physician who conducted the evaluation determined that Ms. Taman was not safe to practice nursing at that time.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 4(a), (b), (c), and (d) constitute a violation of Virginia Code § 54.1-3007(7).
2. Finding of Fact No. 5 constitutes a violation of Virginia Code § 54.1-3007(1) and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing ("Regulations").
3. Finding of Fact No. 6 constitutes a violation of Virginia Code § 54.1-3007(4).
4. Finding of Fact No. 7 constitutes a violation of Virginia Code § 54.1-3007(2), (3), (5), (6), and (8) and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations.
5. Finding of Fact No. 8 constitutes a violation of Virginia Code § 54.1-3007(6).

ORDER

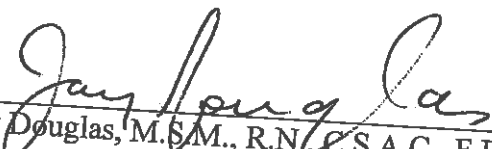
Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The license issued to Marwa Taman to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Marwa Taman will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Marwa Taman seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Marwa Taman to demonstrate that she is safe and competent to return to the practice of professional nursing. For one year from the date of entry of this Order, the Board shall waive any fees that may be required for the reinstatement and/or renewal of the license. Following the expiration of one year from the entry of this

Order, Marwa Taman shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

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



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

ENTERED AND MAILED ON:

June 22nd, 2016

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy
By 
Virginia Board Of Nursing