

BEFORE THE VIRGINIA BOARD OF NURSING

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

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a formal hearing has been scheduled before the Board of Nursing (“Board”) regarding your license to practice professional nursing, which was issued in error, and your application for licensure by endorsement to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board of Nursing.
DATE AND TIME:	May 18, 2016 11:00 A.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. The burden rests on you, as the applicant, to demonstrate that you meet the requirements of Virginia Code § 54.1-3018.
3. In considering your application, the Board will consider evidence that grounds may exist to refuse to issue you a license to practice professional nursing, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

With respect to your license (issued in error):

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;

- Place you on probation and/or under terms and conditions;
- Suspend your license;
- Revoke your license.

With respect to your application for licensure by endorsement:

- Approve your application and issue an unrestricted license to practice professional nursing;
- Approve your application and issue a restricted license subject to terms and conditions;
- Deny your application.

DEFAULT:

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBIT:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: May 9, 2016. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: May 9, 2016. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that Marwa Taman, R.N., violated certain laws and regulations governing the practice of nursing and that grounds exist to refuse to issue a license to Marwa Taman R.N. to practice professional nursing in that:

1. Ms. Taman is disqualified for licensure pursuant to Virginia Code § 54.1-2408 in that her license to practice nursing in Arizona was voluntarily surrendered effective June 29, 2010, and has not been reinstated.

2. Ms. Taman violated Virginia Code § 54.1-3007(7) in that her license to practice professional nursing has been denied, revoked, suspended or restricted in another state as evidenced by the following:

a. In an Arizona State Board of Nursing Order/Consent Agreement, entered on or about 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 or about 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 valid prescriptions, 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.

c. By letter dated March 25, 2011, from the Texas Board of Nursing, her 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, her 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.

3. Ms. Taman violated Virginia Code § 54.1-3007(1) and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing (“Regulations”) in that on her application for licensure by endorsement in Virginia dated April 16, 2015, she provided false information, as evidenced by the following:

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.

4. Ms. Taman violated Virginia Code § 54.1-3007(4) in that she pled guilty to and was convicted of one count of misdemeanor forgery, a crime of moral turpitude, on March 8, 2001, in the Missoula County, Montana, Justice Court.

5. Ms. Taman violated 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 in that, as evidenced in the Arizona State Board of Nursing Order/Consent Agreement, entered on or about March 19, 2008:

a. During the course of her employment with Tempe St. Luke’s Hospital, Tempe, Arizona, on or about April 7, 2007, she 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 or about January 10, 2008 and January 11, 2008, she 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.

6. Ms. Taman violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice nursing due to substance abuse, as evidenced by the following:

a. During the course of her employment with St. Luke's Medical Center, Phoenix, Arizona, on or about September 2, 2007, she tested positive for opiates (morphine and oxycodone), for which she did not have a prescription.

b. During the course of her employment with Champion Medical Staffing, while on assignment at Surgical Specialty Hospital of Arizona, Phoenix, Arizona, on or about December 14, 2007, she was impaired while on duty. She was described as having slurred speech and staggering.

c. On or about June 13, 2008, she underwent a chemical dependency evaluation. The physician who conducted the evaluation determined that she was not safe to practice nursing at that time.



Brenda Krohn, R.N., M.S.
Deputy Executive Director
Virginia Board of Nursing

April 26, 2016
Date