

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

BRONWEN K. MARSHALL, R.N.

CONSENT ORDER

The Virginia Board of Nursing (the "Board") and Bronwen K. Marshall, R.N., enter into the following Consent Order affecting Ms. Marshall's license to practice professional nursing.

FINDINGS OF FACT

1. Bronwen K. Marshall, R.N., holds License No. 0001-140420, to practice professional nursing in the Commonwealth of Virginia.
2. By her own admission, Ms. Marshall is dependent upon Lorcet (hydrocodone), a Schedule III controlled substance, and this addiction was "out of control" as of June 1999.
3. By her own admission, Ms. Marshall used heroin in approximately April and May, 1999, and that she "liked" it but that she did not develop a "habit", although she noted to the investigator from the Department of Health Professions ("Department") that she listed heroin as her drug of choice upon admission to Richmond Aftercare, Richmond, Virginia on or about October 18, 1999.
4. By her own admission, Ms. Marshall has also abused marijuana and alcohol in the past.
5. From on or about October 24, 1994 through January 4, 2000, Ms. Marshall received treatment from Martin N. Buxton, M.D., Insight Physicians, Richmond, Virginia. As of January 6, 2000, Dr. Buxton indicated that Ms. Marshall is diagnosed with chemical dependency, mood disorder, "possibly" some learning disability and attention deficit, and anxiety disorder.
6. Between on or about November 11, 1994 through on or about November 27, 1999, Ms. Marshall sought treatment for migraine headaches at approximately eight (8) Patient First

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locations, and received Fioricet (butalbital), a Schedule VI controlled substance, and Lorcet.

On or about October 12, 1999, Mark A. Merritt, D.O., Patient First – Chester, informed her that she would not be prescribed narcotics at any of the Patient First locations in the future.

7. Between on or about December 1996 through on or about September 27, 1999, Ms. Marshall received treatment from John J. Brush, M.D., Neurological Associates, Richmond, Virginia, for migraine headaches, for which Dr. Brush has prescribed Fioricet and Lorcet. On or about September 27, 1999, Ms. Marshall informed Dr. Brush that she had been in Tennessee for a month to visit sick relatives, when, in fact, Ms. Marshall was participating in STEPS House for Women, a halfway house in Tennessee. In a December 8, 1999, interview with the Department's investigator, Ms. Marshall stated that Dr. Brush continues to prescribe hydrocodone for her in "controlled amounts."
8. On approximately five (5) occasions between on or about February 1997 and on or about July 1998, Ms. Marshall received treatment for depression, anxiety and/or detoxification at Chippenham Hospital, Richmond, Virginia.
9. From on or about July 14, 1998 to on or about August 25, 1998, Ms. Marshall participated in the intensive outpatient program at Chippenham Hospital for treatment of chemical dependency. On or about August 25, 1998, she was asked to leave treatment as "it was felt that this level of treatment was not adequate for her" and "[s]he was unable to remain abstinent from alcohol and drugs while in this program."
10. From September 25, 1998 to November 5, 1998, Ms. Marshall received inpatient treatment at the Lewis Gale Center for Behavior Health, Salem, Virginia, for treatment of chemical

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dependency. Upon discharge on November 5, 1998, Ms. Marshall was referred for intensive outpatient treatment at Williamsburg Place, Richmond, Virginia.

11. On June 28, 1999, Ms. Marshall sought treatment from Peter Coleman, M.D., Richmond, Virginia, for chemical dependency, for which she received methadone. Dr. Coleman's record indicates that Ms. Marshall told him she had been dependent on Fioricet, hydrocodone, and alcohol. Her record does not indicate that she told him she had been using heroin, although Ms. Marshall told the Department's investigator that she sought treatment from Dr. Coleman for heroin detoxification. Ms. Marshall did not return to Dr. Coleman for follow-up treatment.
12. In approximately July 1999, Ms. Marshall attended STEPS House for Women, a halfway house in Tennessee. Ms. Marshall did not complete the program, and Thayne Ford, R.N., Case Manager, Virginia Monitoring, Inc., informed the Department's investigator that Ms. Marshall was discharged because she relapsed with alcohol use.
13. From October 18, 1999 to November 4, 1999, Ms. Marshall received treatment at Richmond Aftercare. Ms. Marshall was discharged from treatment on November 4, 1999, for attempting to provide a false urine sample during drug screening.
14. Between November 1997 and January 6, 2000, Ms. Marshall received 850 tablets of hydrocodone and 915 tablets of butalbital. Between February 1998 and July 1998, these medications were dispensed concurrently on a regular basis.
15. On or about June 24, 1999, Ms. Marshall was arrested on two (2) felony counts of obtaining drugs by fraud. On June 17, 1999, Ms. Marshall, using the name of Laurie Sanders,

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telephonically ordered from Target Pharmacy #1041, Richmond, Virginia, a fraudulent prescription for twenty (20) tablets of Lorcet Plus written for "Mary Stuart" allegedly authorized by Susan Jones, M.D., an associate of Dr. Buxton. Ms. Marshall picked up this prescription and signed the insurance log, "M. Stuart." On or about June 24, 1999, Ms. Marshall attempted to obtain additional Lorcet in the same manner as on June 17, 1999. Ms. Marshall was arrested in the store by the Chesterfield County Police.

16. By her own admission, Ms. Marshall obtained hydrocodone by using fraudulent prescriptions on other occasions, but she does not recall the pharmacies or other details.
17. Ms. Marshall informed the Department's investigator that the felony charges have been continued for six months until approximately March 2000, at which time the charges may be reduced to misdemeanors if Ms. Marshall produces evidence of active recovery.
18. Ms. Marshall has received treatment with the Substance Abuse Division, Chesterfield County Department of Health, and on January 12, 2000, Tammy Bays, L.C.S.W., of that agency informed the Department's investigator that Ms. Marshall's "level of motivation for recovery has been suspect as of late."
19. Michelle Anthony, Community Corrections Case Manager, Chesterfield Community Corrections Services, informed the Department's investigator that Ms. Marshall failed to submit to a required urine drug screen. Specifically, on or about January 5, 2000, Ms. Marshall arrived at the office at 6:20 p.m., knowing that the office would close at 6:30 p.m., and she was not able to produce a sample. Ms. Anthony reported this incident as a failed test to the Chesterfield County Courts.

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20. On November 6, 1998, Ms. Marshall signed a Recovery Monitoring Contract with the Health Practitioners' Intervention Program ("HPIP"), which required her to abstain from mood-altering substances. By letter dated December 10, 1999, Ms. Marshall was informed that she was dismissed from the HPIP, due to her failure to enter and complete treatment as recommended, failure to attend 12-step meetings and/or Caduceus, failure to call for or submit to urine drug screens, failure to send in monthly reports and continued use of unauthorized drugs/alcohol.
21. In a November 15, 1999 interview, Ms. Marshall stated to the Department's investigator that she has never established a good recovery program as she has difficulty "surrendering." Ms. Marshall further stated that she needs to "dramatically" reduce the amount of Lorcet she takes, and that she has used her headaches as an excuse to continue using Lorcet.
22. From on or about January 16, 1995 to on about November 10, 1995, Ms. Marshall was employed as a nurse at Medical College of Virginia Hospitals ("MCV"), Richmond Virginia. On or about July 19, 1995, Ms. Marshall received a rating of "does not meet expectations" on her probationary evaluation. Ms. Marshall resigned while still on probation on or about November 10, 1995. Ms. Marshall described her resignation as "forced" to the Department's investigator.
23. By her own admission, Ms. Marshall self-administered Fioricet while on duty at MCV, not for migraine pain, but because the medication made her "feel good" and "like she could function better at work."
24. During the course of her employment at St. Mary's Hospital, Richmond, Virginia, from on

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or about January 6, 1997 to on or about June 17, 1997, Ms. Marshall was counseled and placed on probation on or about June 4, 1997, as her “clinical performance [was] inconsistent with competent and safe standards,” and “[c]linical procedures [were] not in accordance with appropriate policy and procedures.” Ms. Marshall resigned her position on or about June 17, 1997 in lieu of termination.

25. On or about January 12, 1999, Ms. Marshall began employment as a R.N. Supervisor at Parham Healthcare & Rehabilitation Center, Richmond, Virginia. On or about February 20, 1999, Ms. Marshall resigned without notice.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact 2 through 25 constitute a violation of §§ 54.1-3007(2), (5) and (6) of the Code of Virginia (1950), as amended.

CONSENT

Ms. Marshall, by affixing her signature hereon, agrees to the following:

1. She acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
2. She acknowledges that she is fully aware that without her consent, no legal action can be taken against her license except pursuant to the Virginia Administrative Process Act, § 9-6.14:1, et seq., of the Code of Virginia (1950), as amended;
3. She acknowledges that she has the following rights among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel and the right to cross-examine witnesses against her;

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4. She waives all such right to a formal hearing;
5. She waives her right to contest the foregoing Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her license to practice professional nursing in the Commonwealth of Virginia.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that License No. 0001-140420 issued to Bronwen K. Marshall, R.N., to practice professional nursing in the Commonwealth of Virginia, be, and hereby is, INDEFINITELY SUSPENDED. At such time as she shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to receive evidence satisfactory to the Board that she is capable of resuming the safe and competent practice of nursing.

Upon entry of the Order of Summary Suspension on February 3, 2000, the license of Ms. Marshall was recorded as suspended and no longer current. Consistent with the terms of this Consent Order, in the event that Ms. Marshall seeks reinstatement of her license, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, 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 inspections or copying on request.

Bronwen K. Marshall, R.N.

FOR THE BOARD

for Jay Douglas
Nancy K. Darrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

ENTERED March 24TH, 2020

Bronwen K. Marshall, R.N.

SEEN AND AGREED TO:

Bronwen K. Marshall R.N.
Bronwen K. Marshall, R.N.

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Henrico, to-wit:

Subscribed and sworn to before me, Lorraine McGehee, a Notary Public, this
21st day of March, 2000.

My commission expires the 30 day of November, 2001.

Lorraine McGehee
NOTARY PUBLIC

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

BRONWEN K. MARSHALL, R.N.

ORDER OF SUMMARY SUSPENSION

Pursuant to § 54.1-110 of the Code of Virginia (1950), as amended, a quorum of the Board of Nursing (hereinafter "the Board") met by telephone conference call after a good faith effort to convene a regular meeting of the Board had failed, on February 3, 2000. The purpose of the meeting was to receive and act upon certain information indicating that Bronwen K. Marshall, R.N., may have violated certain laws and regulations relating to the practice of professional nursing in the Commonwealth of Virginia, as more fully set forth in the attached "NOTICE OF HEARING and STATEMENT OF PARTICULARS" which is attached hereto and incorporated by reference herein.

WHEREUPON, pursuant to its authority under § 54.1-2408.1(A) of the Code of Virginia (1950), as amended, the Board concludes that a substantial danger to public health or safety warrants this action and ORDERS that the license of Bronwen K. Marshall, R.N., to practice professional nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED. It is further ORDERED that a hearing be convened forthwith to receive and act upon evidence in this cause and that the Executive Director of the Board shall be authorized to execute this Order and all other documents, notices and orders on behalf of the Board necessary to bring this matter to hearing.

Upon entry of this Order, the license of Ms. Marshall will be recorded as suspended and no longer current. Consistent with the terms of this Order, in the event that Ms. Marshall seeks reinstatement of her license, she shall be responsible for any fees that may be required

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Pursuant to §9-6.14:14 of the Code of Virginia (1950), as amended, 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.

FOR THE BOARD

Nancy K. Burrett
Nancy K. Burrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

Entered: February 4, 2000

Bronwen K. Marshall, R.N.
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Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Bronwen K. Marshall, R.N., at 1823 Celia Cresent, Richmond, Virginia 23236.

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

February 4, 2000
DATE