

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: DEBRA MARKS, R.N.  
License No.: 0001-174290**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on December 8, 2014, in Henrico County, Virginia, to inquire into evidence that Debra Marks, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Marks was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Debra Marks, R.N., was issued License No. 0001-174290 to practice as a professional nurse in the Commonwealth of Virginia on June 12, 2001. Said license expires on April 30, 2016. Her primary state of residence is Virginia.
2. By letter dated November 13, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Marks notifying her that an informal conference would be held on December 8, 2014. The Notice was sent by certified and first class mail to 975 Holston Road, Wytheville, Virginia 24382, the address of record on file with the Board of Nursing.
3. On May 22, 2014, during the course of her employment with Carilion New River Valley Medical Center, Christiansburg, Virginia, Ms. Marks was observed sleeping while assigned to assist a patient in the pushing phase of active labor. As a result, after four years of employment, Ms. Marks’ employment was terminated on June 6, 2014.

4. At the informal hearing, Ms. Marks denied that she was sleeping while on duty. She indicated that she was not feeling well, but she reported for her shift because the unit had been busy and they were short handed. She stated that she felt dizzy and faint, and closed her eyes a few times to help alleviate the dizziness. She went to the doctor on May 23, 2014, and was placed on amoxicillin.

5. Ms. Marks provided documentation of a recommendation from her current employer, where she has been employed since July 2014, which indicated that her performance has been above standard, and her clinical assessments and documentation were excellent. This employer recruited Ms. Marks based upon her professional record.

### CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 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.

### ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Debra Marks, R.N., is hereby REPRIMANDED.
2. Ms. Marks 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 on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Marks may, not later than 5:00 p.m., on **January 25, 2015**, notify 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, in writing that she desires a formal administrative

hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

*per* Alaria Mitchell  
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director, Virginia Board of Nursing

ENTERED: December 23, 2014

This Order shall become final on **January 25, 2015**, unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**

By U. Robinson-Howes  
**Virginia Board of Nursing**