

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: WILLIAM V. MARSH, R.N.**  
**License No.: 0001-215374**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and William V. Marsh, R.N., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Marsh's license to practice professional nursing in Virginia.

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

**FINDINGS OF FACT**

1. William V. Marsh, R.N., was issued License No. 0001-215374 to practice professional nursing by the Virginia Board of Nursing on September 11, 2008. Said license is set to expire on February 29, 2016. Mr. Marsh was issued License No. 62518 to practice professional nursing by the West Virginia Board of Nursing. Said license is set to expire on October 31, 2014. Mr. Marsh's primary state of residence is West Virginia.

2. On February 17, 2014, Mr. Marsh was terminated from Rockingham Memorial Hospital, Harrisonburg, Virginia, following a positive drug screen for Fentanyl (C-II), and his admission to diverting narcotic medications for his own personal and unauthorized use. Mr. Marsh achieved this diversion by falsifying the wastage of pulled narcotics in patients' medication administration records and retaining the narcotics for himself.

3. Mr. Marsh stated that he has an addiction to alcohol and narcotic medications. Mr. Marsh diverted the narcotics from Rockingham Memorial Hospital to combat his cravings for alcohol while he was

on duty. Mr. Marsh is unsure how much he diverted, but believes that he diverted medications daily over the last year.

4. On April 28, 2014, the clinical director for the West Virginia Restore Program reported to the investigator for the Department of Health Professions that Mr. Marsh was in the process of enrolling in their program. The West Virginia Restore Program is the monitoring program for West Virginia licensees.

5. Mr. Marsh stated that he is currently unemployed, but wants to return to nursing after he has completed treatment and is free from alcohol and narcotics.

### CONCLUSIONS OF LAW

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

2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

3. Based on the above Findings of Fact, Mr. Marsh is a candidate for the Health Practitioners’ Monitoring Program (“HPMP”).

### CONSENT

William V. Marsh, R.N., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;

2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. He acknowledges that he 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 him;

4. He waives all such right to an informal conference;

5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. He consents to the entry of the following Order affecting his right to practice professional nursing 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 as follows:

1. License No. 0001-215374 of William V. Marsh to practice professional nursing is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

3. At such time as Mr. Marsh shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of professional nursing. Mr. Marsh shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice professional nursing.

5. This suspension shall be STAYED upon proof of Mr. Marsh's entry into the HPMP or another state sanctioned recovery monitoring program. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Mr. Marsh shall comply with all terms and conditions for the period specified by the HPMP or other approved program.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Mr. Marsh, and an administrative

proceeding shall be held to determine whether his license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

- i. Mr. Marsh is not in compliance with the terms and conditions specified by the HPMP or other approved program;
- ii. Mr. Marsh's participation in the HPMP or other approved program has been terminated;
- iii. There is a pending investigation or unresolved allegation against Mr. Marsh involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Mr. Marsh's participation in and compliance with the HPMP or other approved program, the Board, at its discretion, may waive Mr. Marsh's appearance before the Board and conduct an administrative review of this matter.

7. This Order is applicable to Mr. Marsh's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Mr. Marsh 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 Mr. Marsh wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Mr. Marsh shall maintain a course of conduct in his 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

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

ENTERED: September 8, 2014

SEEN AND AGREED TO:

*William V. Marsh*  
William V. Marsh, R.N.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF \_\_\_\_\_ TO WIT:

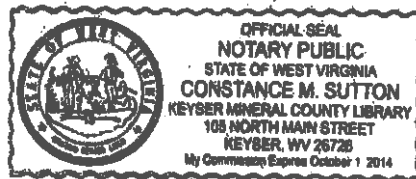
*State of West Virginia  
Mineral County City of Keyser*

Subscribed and sworn to before me, *Constance M. Sutton* Notary Public, this 2 day of September, 2014

My commission expires Oct 1 2014

Registration Number N/A

*Constance M. Sutton*  
NOTARY PUBLIC



Certified True Copy

By *Steph*  
Virginia Board of Nursing