

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: AMANDA LEIGH MARSHALL, R.N.
License Number: 0001-174830
Case Number: 171968

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing (“Board”) and Amanda Leigh Marshall, R.N., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Ms. Marshall’s license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Amanda Leigh Marshall, R.N. was issued License Number 0001-174830 to practice professional nursing on October 25, 2001, which is scheduled to expire on May 31, 2018. Her primary state of residence is Virginia. The license was suspended pursuant to Virginia Code § 54.1-2409 by Order of the Virginia Department of Health Professions on July 19, 2016.

2. By Order entered August 26, 2014, the Board entered an Order reprimanding Ms. Marshall and ordering her to undergo an evaluation by a mental health/chemical dependency specialist. This Order was based on findings that Ms. Marshall had committed numerous errors involving patient narcotic medications and patient care, and that there was probable cause to believe that she was unsafe to practice due to substance abuse and/or mental illness. By Order entered March 4, 2015, based on the report of the mental health/chemical dependency specialist, the Board found no evidence that Ms. Marshall was unsafe to practice nursing and took no further action against Ms. Marshall.

3. On January 5, 2016, the California Board of Registered Nursing entered an Order, effective February 4, 2016, revoking Ms. Marshall's license to practice nursing in the State of California, staying the revocation, and placing Ms. Marshall on probation for three years under certain terms and conditions. The Order of the California Board was based solely on the action taken by the Virginia Board of Nursing in its August 26, 2014 Order.

4. The matter of the reinstatement of Ms. Marshall's license to practice professional nursing in the Commonwealth of Virginia is properly before the Board.

CONSENT

Amanda Leigh Marshall, R.N., by affixing her signature to this Consent Order, agrees to the following:

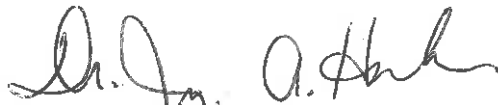
1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to a formal administrative hearing before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive all right to a formal hearing;
5. I admit to the Findings of Fact and Conclusion of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my right to practice professional nursing in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS that the license of Amanda Marshall, R.N. to practice professional nursing in the Commonwealth of Virginia is REINSTATED without restriction.

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



Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President
Virginia Board of Nursing

ENTERED: _____

7/19/14

SEEN AND AGREED TO:

Amanda Leigh Marshall
Amanda Leigh Marshall, R.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF SALEM, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
12 day of July, 2016.

GARRY LEE SAUNDERS II
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7682231
My Commission Expires October 31, 2020

Garry Lee Saunders II
Notary Public

My commission expires:

10-31-20

Registration No.:

7682231

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: AMANDA LEIGH MARSHALL, R.N.
License Number: 0001-174830
Case Number: 171968

ORDER OF MANDATORY SUSPENSION

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Amanda Leigh Marshall to practice as a registered nurse in the State of California was revoked by Order of the California Board of Registered Nursing. A certified copy of the Decision and Order of the California Board of Registered Nursing is attached hereto as Commonwealth Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Amanda Leigh Marshall, R.N. to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Amanda Leigh Marshall, R.N. will be recorded as suspended and no longer current and valid. Should Amanda Leigh Marshall, R.N. seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Ms. Marshall's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2(G), 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 or copying on request.



David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED AND MAILED ON:

7/19/16



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Decision and Order entered January 5, 2016, regarding Amanda Leigh Marshall, R.N., is a true copy of the records received from the California Board of Registered Nursing.

A handwritten signature in cursive script, appearing to read "D. E. Brown".

David E. Brown, D.C.

Date: _____

7/19/16

I hereby certify the foregoing to be a true copy of the documents on file in our office.

BOARD OF REGISTERED NURSING

Louise R. Bailey, M.Ed., RN
Louise R. Bailey, M. Ed., RN
Executive Officer



**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**AMANDA LEIGH MARSHALL
AKA AMANDA L. MARSHALL
AKA AMANDA GUTH
4809 Celtic Circle
Salem, VA 24153**

Registered Nurse License No. 627569

Respondent

Case No. 2015-880

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 04, 2016.

IT IS SO ORDERED January 05, 2016.

Michael D. Jackson, M.Ed., RN, C.N.

Michael D. Jackson, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

PCNGAD 800-631-6988

COMMONWEALTH'S
EXHIBIT

1

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1299
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2015-880

11 **AMANDA LEIGH MARSHALL**
12 **a.k.a. AMANDA L. MARSHALL**
13 **a.k.a. AMANDA GUTH**
14 **4809 Celtic Circle**
Salem, VA 24153

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Registered Nurse License No. 627569**

16 **Respondent.**

17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and responsibility of the Board of Registered Nursing, Department of Consumer Affairs,
19 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
20 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
23 of Registered Nursing. She brought this action solely in her official capacity and is represented in
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Joshua A. Room,
25 Supervising Deputy Attorney General.

26 2. Respondent Amanda Leigh Marshall a.k.a. Amanda L. Marshall a.k.a. Amanda Guth
27 ("Respondent") is represented in this proceeding by attorney Kathleen A. McCormac, whose
28 address is: 655 Montgomery Street, Suite 1200, San Francisco, CA 94111-2630.

1 3. On or about October 6, 2003, the Board of Registered Nursing issued Registered
2 Nurse License No. 627569 to Respondent. The Registered Nurse License expired on June 30,
3 2005, and has not been renewed.

4 JURISDICTION

5 4. Accusation No. 2015-880 was filed before the Board of Registered Nursing (Board),
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
7 and all other statutorily required documents were properly served on Respondent on May 15,
8 2015. Respondent timely filed a Notice of Defense contesting the Accusation. A First Amended
9 Accusation was properly served on Respondent and her counsel on August 25, 2015. A copy of
10 First Amended Accusation No. 2015-880 is attached as exhibit A and incorporated by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in First Amended Accusation No. 2015-880. Respondent has also
14 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
15 Settlement and Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the First Amended Accusation; the right to be
18 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
19 against her; the right to present evidence and to testify on her own behalf; the right to the issuance
20 of subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in First
27 Amended Accusation No. 2015-880.

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1 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
2 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

3 RESERVATION

4 10. Admissions made by Respondent herein are only for the purposes of this proceeding,
5 or any other proceedings in which the Board of Registered Nursing or other professional licensing
6 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Board may
10 communicate directly with the Board regarding this stipulation and settlement, without notice to
11 or participation by Respondent or her counsel. By signing the stipulation, Respondent
12 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation
13 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
14 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
15 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
16 and the Board shall not be disqualified from further action by having considered this matter.

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
19 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

20 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
24 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
25 writing executed by an authorized representative of each of the parties.

26 14. In consideration of the foregoing, the parties agree that the Board may, without
27 further notice or formal proceeding, issue and enter the following Disciplinary Order:

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1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Registered Nurse License No. 627569, issued to
3 Respondent Amanda Leigh Marshall (Respondent), is revoked. The revocation is stayed and
4 Respondent is placed on probation for three (3) years on the following terms and conditions.

5 Severability Clause. Each condition of probation contained herein is a separate and
6 distinct condition. If any condition of this Order, or any application thereof, is declared
7 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
8 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
9 and enforceable to the fullest extent permitted by law.

10 1. Obey All Laws. Respondent shall obey all federal, state and local laws. A full and
11 detailed account of any and all violations of law shall be reported by Respondent to the Board in
12 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
13 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
14 45 days of the effective date of the decision, unless already previously submitted to the Board.

15 Criminal Court Orders: If Respondent is under criminal court orders, including
16 probation or parole, and the order is violated, this shall be deemed a violation of these probation
17 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

18 2. Comply with the Board's Probation Program. Respondent shall fully comply with
19 the conditions of the Probation Program established by the Board and cooperate with
20 representatives of the Board in its monitoring and investigation of the Respondent's compliance
21 with the Board's Probation Program. Respondent shall inform the Board in writing within no
22 more than 15 days of any address change and shall at all times maintain an active, current license
23 status with the Board, including during any period of suspension.

24 Upon successful completion of probation, Respondent's license shall be fully restored.

25 3. Report in Person. Respondent, during the period of probation, shall appear in
26 person at interviews/meetings as directed by the Board or its designated representatives.

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1 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
2 practice as a registered nurse outside of California shall not apply toward a reduction of this
3 probation time period. Respondent's probation is tolled, if and when she resides outside of
4 California. Respondent must provide written notice to the Board within 15 days of any change of
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or
6 returning to practice in this state.

7 Respondent shall provide a list of all states and territories where she has ever been licensed
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
9 information regarding the status of each license and any changes in such license status during the
10 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
11 license during the term of probation.

12 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
13 or cause to be submitted such written reports/declarations and verification of actions under
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
16 Respondent shall immediately execute all release of information forms as may be required by the
17 Board or its representatives.

18 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
19 state and territory in which she has a registered nurse license.

20 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
22 6 consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered nursing"
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
25 non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice nursing
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

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1 If Respondent has not complied with this condition during the probationary term, and
2 Respondent has presented sufficient documentation of her good faith efforts to comply with this
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
4 extension of Respondent's probation period up to one year without further hearing to comply with
5 this condition. During the one year extension, all original conditions of probation shall apply.

6 7. **Employment Approval and Reporting Requirements.** Respondent shall obtain
7 prior approval from the Board before commencing or continuing any employment, paid or
8 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
9 performance evaluations and other employment related reports as a registered nurse upon request
10 of the Board. Respondent shall provide a copy of this Decision to her employer and immediate
11 supervisors prior to commencement of any nursing or other health care related employment.

12 In addition to the above, Respondent shall notify the Board in writing within seventy-two
13 (72) hours after she obtains any nursing or other health care related employment. Respondent
14 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
15 separated, regardless of cause, from any nursing, or other health care related employment with a
16 full explanation of the circumstances surrounding the termination or separation.

17 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding
18 Respondent's level of supervision and/or collaboration before commencing or continuing any
19 employment as a registered nurse, or education and training that includes patient care.

20 Respondent shall practice only under the direct supervision of a registered nurse in good
21 standing (no current discipline) with the Board, unless alternative methods of supervision and/or
22 collaboration (e.g., with an advanced practice nurse or physician) are approved.

23 Respondent's level of supervision and/or collaboration may include, but is not limited to the
24 following:

25 (a) **Maximum** - The individual providing supervision and/or collaboration is present in
26 the patient care area or in any other work setting at all times.

27 (b) **Moderate** - The individual providing supervision and/or collaboration is in the patient
28 care unit or in any other work setting at least half the hours Respondent works.

1 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
2 person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health care
4 setting, the individual providing supervision and/or collaboration shall have person-to-person
5 communication with Respondent as required by the Board each work day. Respondent shall
6 maintain telephone or other telecommunication contact with the individual providing supervision
7 and/or collaboration as required by the Board during each work day. The individual providing
8 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
9 patients' homes visited by Respondent with or without Respondent present.

10 9. Employment Limitations. Respondent shall not work for a nurse's registry, in any
11 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
12 or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
14 registered nursing supervision and other protections for home visits have been approved by the
15 Board. Respondent shall not work in any other registered nursing occupation where home visits
16 are required. Respondent shall not work in any health care setting as a supervisor of registered
17 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
18 nurses and/or unlicensed assistive personnel on a case-by-case basis.

19 Respondent shall not work as a faculty member in an approved school of nursing or as an
20 instructor in a Board approved continuing education program.

21 Respondent shall work only on a regularly assigned, identified and predetermined
22 worksite(s) and shall not work in a float capacity.

23 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
24 request documentation to determine whether there should be restrictions on the hours of work.

25 10. Complete a Nursing Course(s). Respondent, at her own expense, shall enroll and
26 successfully complete a course(s) relevant to the practice of registered nursing no later than six
27 months prior to the end of her probationary term.

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1 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
2 Respondent shall submit to the Board the original transcripts or certificates of completion for the
3 above required course(s). The Board shall return the original documents to Respondent after
4 photocopying them for its records.

5 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
6 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
7 amount of \$1,760.00. Respondent shall be permitted to pay these costs in a payment plan
8 approved by the Board, with payments to be completed no later than three months prior to the end
9 of the probation term.

10 If Respondent has not complied with this condition during the probationary term, and
11 Respondent has presented sufficient documentation of her good faith efforts to comply with this
12 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
13 extension of Respondent's probation period up to one year without further hearing to comply with
14 this condition. During the one year extension, all original conditions of probation will apply.

15 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the
16 Board, after giving Respondent notice and an opportunity to be heard, may set aside the stay
17 order and impose the stayed discipline: revocation of Respondent's license.

18 If, during the period of probation, an accusation or petition to revoke probation has been
19 filed against Respondent's license or the Attorney General's Office has been requested to prepare
20 an accusation or petition to revoke probation against Respondent's license, the probationary
21 period shall automatically be extended and shall not expire until the accusation or petition has
22 been acted upon by the Board.

23 13. **License Surrender.** During Respondent's term of probation, if she ceases practicing
24 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
25 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
26 Respondent's request and to exercise its discretion whether to grant the request, or to take any
27 other action deemed appropriate and reasonable under the circumstances, without further hearing.

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1 Upon formal acceptance of the tendered license and wall certificate, Respondent will no
2 longer be subject to the conditions of probation.

3 Surrender of Respondent's license shall be considered a disciplinary action and shall
4 become a part of Respondent's license history with the Board. A registered nurse whose license
5 has been surrendered may petition the Board for reinstatement no sooner than the following
6 minimum periods from the effective date of the disciplinary decision:

7 (1) Two years for reinstatement of a license that was surrendered for any reason other
8 than a mental or physical illness; or

9 (2) One year for a license surrendered for a mental or physical illness.

10 14. Physical Examination. Within 45 days of the effective date of this decision,
11 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
12 assistant, who is approved by the Board before the assessment is performed, submit an
13 assessment of Respondent's physical condition and capability to perform the duties of a registered
14 nurse, including a determination as set forth below in the condition titled "Rule-Out Substance
15 Abuse Assessment," to the Board. Such an assessment shall be submitted in a format acceptable
16 to the Board. If medically determined, a recommended treatment program will be instituted and
17 followed by the Respondent with the physician, nurse practitioner, or physician assistant
18 providing written reports to the Board on forms provided by the Board.

19 If Respondent is determined to be unable to practice safely as a registered nurse, the
20 licensed physician, nurse practitioner, or physician assistant making this determination shall
21 immediately notify the Board and Respondent by telephone, and the Board shall request that the
22 Attorney General's Office prepare an accusation or petition to revoke probation. Respondent
23 shall immediately cease practice and shall not resume practice until notified by the Board.
24 During this period of suspension, Respondent shall not engage in any practice for which a license
25 issued by the Board is required until the Board has notified Respondent that a medical
26 determination permits Respondent to resume practice. This period of suspension will not apply to
27 the reduction of the probationary time period.

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1 If Respondent fails to have the above assessment submitted to the Board within the 45-day
2 period, Respondent shall immediately cease practice and shall not resume practice until notified
3 by the Board. This period of suspension will not apply to the reduction of the probationary time
4 period. The Board may waive or postpone this suspension only if significant, documented
5 evidence of mitigation is provided. Such evidence must establish good faith efforts by
6 Respondent to obtain the assessment, and a specific date for compliance must be provided. Only
7 one such waiver or extension may be permitted.

8 15. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
9 of this Decision, have a mental health examination including psychological testing as appropriate
10 to determine her capability to perform the duties of a registered nurse, including a determination
11 as set forth below in the condition titled "Rule-Out Substance Abuse Assessment." The
12 examination will be performed by a psychiatrist, psychologist or other licensed mental health
13 practitioner approved by the Board. The examining mental health practitioner will submit a
14 written report of that assessment and recommendations to the Board. All costs are the
15 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
16 result of the mental health examination will be instituted and followed by Respondent.

17 If Respondent is determined to be unable to practice safely as a registered nurse, the
18 licensed mental health care practitioner making this determination shall immediately notify the
19 Board and Respondent by telephone, and the Board shall request that the Attorney General's
20 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
21 practice and may not resume practice until notified by the Board. During this period of
22 suspension, Respondent shall not engage in any practice for which a license issued by the Board
23 is required, until the Board has notified Respondent that a mental health determination permits
24 Respondent to resume practice. This period of suspension will not apply to the reduction of this
25 probationary time period.

26 If Respondent fails to have the above assessment submitted to the Board within the 45-day
27 requirement, Respondent shall immediately cease practice and shall not resume practice until
28 notified by the Board.

1 This period of suspension will not apply to the reduction of this probationary time period.
2 The Board may waive or postpone this suspension only if significant, documented evidence of
3 mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain
4 the assessment, and a specific date for compliance must be provided. Only one such waiver or
5 extension may be permitted.

6 16. **Rule-Out Substance Abuse Assessment.** If the examiner conducting the physical
7 and/or mental health examination determines that Respondent is dependent upon drugs or alcohol,
8 or has had problems with drugs or alcohol (i.e., drug dependence in remission or alcohol
9 dependence in remission) that might reasonably affect the safe practice of nursing, then the
10 respondent must further comply with the following additional terms and conditions of probation:

11 A. **Participate in Treatment/Rehabilitation Program for Chemical**
12 **Dependence.** Respondent, at her expense, shall successfully complete during the
13 probationary period or shall have successfully completed prior to commencement
14 of probation a Board-approved treatment/rehabilitation program of at least six (6)
15 months duration. Reports shall be submitted by the program on forms provided by
16 the Board, as required. If Respondent has not completed a Board-approved
17 treatment/rehabilitation program prior to commencement of probation,
18 Respondent, within 45 days from the effective date of the decision, shall be
19 enrolled in a program. If a program is not successfully completed within the first
20 nine months of probation, Respondent shall be in violation of probation:

21 Based on Board recommendation, each week Respondent shall be required
22 to attend at least one but no more than five 12-step recovery meetings or
23 equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse
24 support group as approved and directed by the Board. If a nurse support group is
25 not available, an additional 12-step meeting or equivalent shall be added.
26 Respondent shall submit dated and signed documentation confirming such
27 attendance to the Board during the entire period of probation.

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1 Respondent shall continue with the recovery plan recommended by the
2 treatment/rehabilitation program or a licensed mental health examiner and/or other
3 ongoing recovery groups.

4 **B. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
5 shall completely abstain from possession, injection or consumption by any route of
6 all controlled substances and all psychotropic (mood altering) drugs, including
7 alcohol, except when the same are ordered by a health care professional legally
8 authorized to do so as part of documented medical treatment. Respondent shall
9 have sent to the Board, in writing and within fourteen (14) days, by the prescribing
10 health professional, a report identifying the medication, dosage, the date the
11 medication was prescribed, the Respondent's prognosis, the date the medication
12 will no longer be required, and the effect on the recovery plan, if appropriate.

13 Respondent shall identify for the Board a single physician, nurse
14 practitioner or physician assistant who shall be aware of Respondent's history of
15 substance abuse and will coordinate and monitor any prescriptions for Respondent
16 for dangerous drugs, controlled substances or mood-altering drugs. The
17 coordinating physician, nurse practitioner, or physician assistant shall report to the
18 Board on a quarterly basis Respondent's compliance with this condition. If any
19 substances considered addictive have been prescribed, the report shall identify a
20 program for the time limited use of any such substances.

21 The Board may require the single coordinating physician, nurse
22 practitioner, or physician assistant to be a specialist in addictive medicine, or to
23 consult with a specialist in addictive medicine.

24 **C. Submit to Tests and Samples.** Respondent, at her expense, shall
25 participate in a random, biological fluid testing or a drug screening program which
26 the Board approves. The length of time and frequency will be subject to approval
27 by the Board. Respondent is responsible for keeping the Board informed of
28 Respondent's current telephone number at all times.

1 Respondent shall also ensure that messages may be left at the telephone
2 number when she is not available and ensure that reports are submitted directly by
3 the testing agency to the Board, as directed. Any confirmed positive finding shall
4 be reported immediately to the Board by the program and Respondent shall be
5 considered in violation of probation.

6 In addition, Respondent, at all times during the period of probation, shall
7 fully cooperate with the Board or any of its representatives, and shall, when
8 requested, submit to such tests and samples as the Board or its representatives may
9 require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
10 controlled substances.


11 If Respondent has a positive drug screen for any substance not legally
12 authorized and not reported to the coordinating physician, nurse practitioner, or
13 physician assistant, and the Board files a petition to revoke probation or an
14 accusation, the Board may suspend Respondent from practice pending the final
15 decision on the petition to revoke probation or the accusation. This period of
16 suspension will not apply to the reduction of this probationary time period.

17 If Respondent fails to participate in a random, biological fluid testing or
18 drug screening program within the specified time frame, Respondent shall
19 immediately cease practice and shall not resume practice until notified by the
20 Board. After taking into account documented evidence of mitigation, if the Board
21 files a petition to revoke probation or an accusation, the Board may suspend
22 Respondent from practice pending the final decision on the petition to revoke
23 probation or the accusation. This period of suspension will not apply to the
24 reduction of this probationary time period.

25 D. Therapy or Counseling Program. Respondent, at her expense, shall
26 participate in an on-going counseling program until such time as the Board
27 releases her from this requirement upon the recommendation of the counselor.
28 Written progress reports from the counselor will be required at various intervals.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kathleen A. McCormac. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.


DATED: 10/13/2015 
AMANDA LEIGH MARSHALL
a.k.a. Amanda L. Marshall a.k.a. Amanda Guth
Respondent

I have read and fully discussed with Respondent Amanda Leigh Marshall the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/16/15 
KATHLEEN A. MCCORMAC
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

Dated: 10/28/2015 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General

JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 2015-880

1 KAMALA D. HARRIS
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 State Bar No. 214663
4 455 Golden Gate Avenue, Suite 11000
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5 Facsimile: (415) 703-5480
Attorneys for Complainant

6 LYDIA ZANE, Senior Legal Analyst
7 Telephone: (415) 703-5573
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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2015-880

14 **AMANDA LEIGH MARSHALL**
15 **a.k.a. AMANDA L. MARSHALL**
16 **a.k.a. AMANDA GUTH**
17 **4809 Celtic Circle**
18 **Salem, VA 24153**

FIRST AMENDED ACCUSATION

19 **Registered Nurse License No. 627569**

20 **Respondent.**

21 Complainant alleges:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this First Amended Accusation
24 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
25 Department of Consumer Affairs.

26 2. On or about October 6, 2003, the Board of Registered Nursing issued Registered
27 Nurse License Number 627569 to Amanda Leigh Marshall a.k.a. Amanda L. Marshall a.k.a.
28 Amanda Guth (Respondent). The Registered Nurse License expired on June 30, 2005, and has
not been renewed.

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JURISDICTION

3. This First Amended Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY AND REGULATORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

7. California Code of Regulations, title 16, Section 1419(d), states that "discipline includes, but is not limited to, suspensions, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license held."

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1 COSTS

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

9 9. Code section 4021 states:

10 "Controlled substance" means any substance listed in Chapter 2 (commencing with Section
11 11053) of Division 10 of the Health and Safety Code."

12 10. Code section 4022 states:

13 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use,
14 except veterinary drugs that are labeled as such, and includes the following:

15 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
16 prescription," "Rx only," or words of similar import.

17 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale
18 by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled
19 in with the designation of the practitioner licensed to use or order use of the device.

20 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
21 prescription or furnished pursuant to Section 4006."

22 CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct – Out of State Discipline)
24 (Bus. & Prof. Code, Section 2761, Subd. (a)(4))

25 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
26 (a)(4), for out of state discipline, as follows:

27 12. On or about August 26, 2014, in *In Re: Amanda Marshall, R.N. a.k.a. Amanda Guth,*
28 *R.N., License No.: 0001-174830*, before the Virginia Board of Nursing (Virginia Board), the
Virginia Board adopted Findings of Fact and Conclusions of Law, and thereon issued an Order to

1 Reprimand Respondent's license to practice nursing in the State of Virginia. Further, the Order
2 required Respondent to submit to an evaluation by a mental health/chemical dependency
3 specialist satisfactory to the Virginia Board and to provide a written report of the evaluation to the
4 Virginia Board within 120 days after the date on which the Order was entered. As specified in the
5 Order, the written report was to include a diagnosis, recommended course of therapy, prognosis,
6 and any recommendations, for the Virginia Board's consideration in making a final disposition of
7 the matter. The discipline was based on the following facts described in the Order.

8 13. On or during the time period from July 10, 2013 through to approximately September
9 10, 2013, while employed with Carilion Roanoke Memorial Hospital (Hospital) in Roanoke,
10 Virginia, Respondent made charting errors or omissions for multiple patients as follows:

11 (a) Patient A's medication order was for Oxycodone two tablets every four hours as
12 needed and Fentanyl 50 mcg by intravenous administration every two hours as needed and only if
13 oral analgesics were ineffective 45 minutes after the analgesics were given. On or about July 10,
14 2013, Respondent administered Fentanyl 50 mcg at 1619 hours and Oxycodone at 1627 hours.¹

15 (b) On or about August 7, 2013, at 1408 hours, Respondent withdrew Fentanyl 100 mcg
16 for Patient B and documented that 50 mcg was administered at 1413 hours but failed to document
17 wasting the remaining 50 mcg. On or about August 8, 2013, Respondent failed to administer
18 Patient B's medications as ordered. The patient's order was for oxycodone every three hours to
19 be used first, as needed for pain and Fentanyl 50 mcg by intravenous administration every hour as
20 needed for pain on a scale of 7 to 10 and if oral analgesics were ineffective 45 minutes after the
21 analgesics were given. Respondent administered Fentanyl 50 mcg and Oxycodone at 0956 hours.

22 (c) On or about August 20, 2013, at 0809 hours, Respondent withdrew Morphine 4 mg
23 for Patient C and documented that 3 mg was administered.² Respondent failed to document that
24 the remaining 1 mg had been wasted. At or around 1552 hours, Respondent documented that she
25

26 ¹ Oxycodone and Fentanyl are controlled substances as defined by section 4021 of the
27 Code and dangerous drugs pursuant to section 4022 of the Code.

28 ² Morphine is a controlled substance as defined in section 4021 of the Code and a
dangerous drug pursuant to section 4022 of the Code.

1 withdrew and administered 4 mg of Morphine to Patient C. However, Patient C only had orders
2 for 2 mg and 3 mg.

3 (d) On or about August 20, 2013, at 1136 hours, Respondent withdrew Morphine 10 mg
4 using Patient F's name, and documented administering 3 mg to Patient C and wasting 7 mg.

5 (e) On or about August 25, 2013, at 0954 hours, Respondent withdrew Fentanyl 100 mcg
6 for Patient G but failed to document administering or wasting the drug. On or about September
7 10, 2013, Respondent failed to administer Patient G's 0900 medications until 1031 hours. At
8 1415 hours, Respondent silenced Patient G's oxygen saturation alarm which had a reading of 77%
9 and left without assessing the situation.

10 (f) On or about September 6, 2013, Respondent failed to administer a Lovenox
11 (Enoxaparin) injection to Patient D within 30 minutes of stopping the patient's Heparin drip, as
12 ordered.³

13 14. On or about August 29, 2013, Respondent wrote to her unit manager and reported
14 having a lot of personal stressors. On or about September 30, 2013, Respondent submitted to an
15 evaluation by a licensed clinical psychologist and received the diagnosis of major depression,
16 recurrent, moderate-severe, and alcohol abuse. Respondent failed to keep two follow-up
17 appointments with the clinical psychologist.

18 15. On or about February 25, 2014, during an interview with an investigator from the
19 (Virginia) Department of Health Professions, Respondent reported having personal stressors.
20 Further, Respondent reported not being able to keep up with the charting of home health care
21 clients at her last place of employment.

22 DISCIPLINE CONSIDERATIONS

23 16. To assist in determining the proper level of discipline, if any, to be imposed on
24 Respondent, Complainant further alleges the following additional developments with regard to
25 the disciplinary order entered against her license by the Virginia Board:


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27 ³ Enoxaparin, also referred to as Lovenox, and Heparin, are dangerous drugs pursuant to
28 section 4022 of the Code.

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 24, 2015

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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