

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: WENDY MARKS, R.N. REINSTATEMENT APPLICANT  
LICENSE NO.: 0001-119612**

**NOTICE OF HEARING**

Pursuant to §§2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Wendy Marks, who, prior to its suspension by the Virginia Department of Health Professions on November 2, 2011, held License No. 0001-119612 to practice professional nursing in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on March 22, 2012 at 10:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Marks will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Marks has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Marks desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon the application for reinstatement of Wendy Marks, R.N., of her license to practice professional nursing in Virginia, which was suspended by Order of the Department of Health Professions entered on November 2, 2011, and to inquire into evidence that Ms. Marks may have violated certain laws and regulations

governing professional nursing practice in Virginia. The burden rests upon Ms. Marks, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice of professional nursing in Virginia.

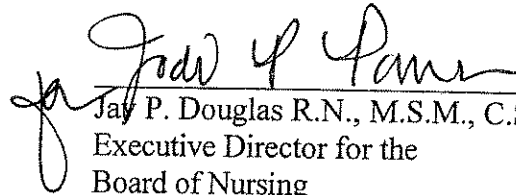
Pursuant to §54.1-2409 of the Code, reinstatement of Ms. Marks's license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

### **STATEMENT OF PARTICULARS**

The Board alleges that:

1. Wendy Marks, R.N., may have violated §54.1-3007(4) of the Code in that on or about December 9, 2009, she was convicted of driving under the influence, third offense within less than five years, a felony, in the Circuit Court of Hanover County, Virginia. This conviction formed the basis for the suspension of her license to practice professional nursing.
2. Ms. Marks may have violated §54.1-3007(6) of the Code in that she may be unsafe to practice due to her admitted substance abuse and migraine headaches.
3. Ms. Marks may have violated §54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations") in that, by her own admission, on or about September 26, 2011, she consumed at least 15mg of morphine that was not prescribed to her.
4. Ms. Marks may have violated §54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations in that on her Application for Reinstatement of License as a Registered Nurse Following Suspension or Revocation, which she signed on or about December 23, 2011, she falsely denied a physical or chemical dependency condition which could interfere with her ability to safely practice.

FOR THE BOARD

  
Jay P. Douglas R.N., M.S.M., C.S.A.C.  
Executive Director for the  
Board of Nursing

ENTERED: March 6, 2012