

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARSHA BROWN, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-082135

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 June 16, 2014, in Henrico County, Virginia, to receive and act upon Marsha Brown’s application for reinstatement of her license to practice practical nursing in Virginia, and to inquire into evidence that Ms. Brown may have violated certain laws and regulations governing the practice of practical nursing in Virginia. Ms. Brown 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. Marsha Brown, L.P.N, was issued License No. 0002-082135 to practice as a practical nurse in the Commonwealth of Virginia on March 22, 2010. Said license was suspended by an Order of the Board entered on November 25, 2013. Her primary state of residence is Virginia.
2. By letter dated May 22, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Brown notifying her that an informal conference would be held on June 16, 2014. The Notice was sent by certified and first class mail to 433 North Chalice Court, Newport News, Virginia 23608, the address of record on file with the Board of Nursing.
3. Ms. Brown submitted an application for reinstatement of her license to practice as a practical nurse, which was received by the Board on January 2, 2014.

4. Between November 25, 2013, and December 11, 2013, during the course of her employment with Envoy of Williamsburg, Williamsburg, Virginia, Ms. Brown practiced practical nursing following the suspension of her license by the Board on November 25, 2013.

5. On March 6, 2014, and April 9, 2014, when interviewed by an investigator with the Virginia Department of Health Professions, Ms. Brown falsely indicated that she left her employment with Envoy of Williamsburg on November 25, 2013, due to the indefinite suspension of her license, and that she informed staff at the facility of the status of her license. In fact, Ms. Brown submitted a letter of resignation on December 1, 2013, giving two weeks' notice, but declined to provide any reason or justification for leaving, and worked until December 11, 2013.

6. On her Application for Reinstatement of License as a Licensed Practical Nurse Following Suspension or Revocation, received by the Board on January 2, 2014, Ms. Brown indicated that her employment with Envoy of Williamsburg ended on "11/13," when, in fact, she worked until December 11, 2013, as indicated above.

7. On her application for employment with Envoy of Williamsburg, dated October 1, 2012, Ms. Brown failed to list her employment with and termination from the Gardens at Warwick Forest in August, 2012.

8. On October 2, 2012, Ms. Brown submitted to a pre-employment drug screen with Sentara Healthcare Occupational Health Services, Norfolk, Virginia, which was positive for cannabinoids.

9. On January 11, 2013, Ms. Brown submitted to a drug screen at the request of an investigator with the Virginia Department of Health Professions, which was positive for ethanol.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of §§ 54.1-3007(3), (5), and (8) and 54.1-3008(5) of the Code.

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(n) of the Regulations Governing the Practice of Nursing (“Regulations”).

3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.

4. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

5. Findings of Fact Nos. 8 and 9 constitute violations of § 54.1-3007(6) of the Code.

6. The Committee concludes that Ms. Brown has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

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

1. The license of Marsha Brown to practice practical nursing in the Commonwealth of Virginia is hereby REINSTATED.

2. Ms. Brown is hereby REPRIMANDED.

3. Ms. Brown shall pay a MONETARY PENALTY of \$100.00 to the Board within 60 days of the date this Order is entered.


4. Ms. Brown shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

5. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Brown and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

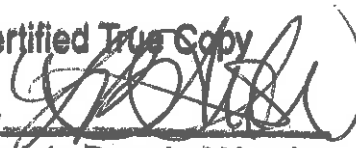
Pursuant to Section 54.1-2400(10) of the Code, Ms. Brown may, not later than 5:00 p.m., on **August 20, 2014**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative 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:


By Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: July 18, 2014

This Order shall become final on **August 20, 2014**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing