



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

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Virginia Board of Nursing  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director

Board of Nursing (804) 367-4515  
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### NOTICE OF INFORMAL CONFERENCE

May 22, 2014

Marsha Brown, L.P.N. Reinstatement Applicant  
433 North Chalice Court  
Newport News, Virginia 23608

**CERTIFIED MAIL**  
**7196 9008 9111 9193 7634**

Re: VA License No.: 0002-082135  
Expiration Date: November 25, 2013

Dear Ms. Brown:

This is official notification that an informal conference will be held pursuant to §§2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), on **June 16, 2014, at 2:00 p.m.** at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to §2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will receive and act upon your application for the reinstatement of your license to practice practical nursing in the Commonwealth of Virginia, which was indefinitely suspended by Consent Order entered November 25, 2013, and will inquire into allegations that you may have violated certain laws and regulations governing the practice of practical nursing in Virginia.

Specifically:

1. You may have violated §§ 54.1-3007(3), (5), and (8) and 54.1-3008(5) of the Code in that between or about November 25, 2013, and December 11, 2013, during the course of your employment with Envoy of Williamsburg, Williamsburg, Virginia, you practiced practical nursing following the suspension of your license by the Board on November 25, 2013.

2. You may have violated § 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") in that on or about March 6, 2014, and April 9, 2014, when interviewed by an investigator with the Virginia Department of Health Professions, you falsely indicated that you left your employment with Envoy of Williamsburg on November 25, 2013, due to the

indefinite suspension of your license, and that you informed staff at the facility of the status of your license, when, in fact, you 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.

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

4. You may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on your application for employment with Envoy of Williamsburg, dated October 1, 2012, you failed to list your employment with and termination from the Gardens at Warwick Forest in August 2012.

5. You may have violated § 54.1-3007(6) of the Code in that:

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

b. On or about January 11, 2013, you submitted to a drug screen at the request of an investigator with the Virginia Department of Health Professions, which was positive for ethanol.

The burden of providing evidence satisfactory to the Board that you are prepared to resume the competent practice of practical nursing with reasonable skill and safety to patients rests with you.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

After the informal conference, the Committee is authorized by §54.1-2400(10) of the Code to take any of the following actions:

- The Committee may reinstate your license to practice practical nursing in the Commonwealth without restriction;
- The Committee may reinstate your license and place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate, reprimand you, or impose a monetary penalty;
- The Committee may deny your application for reinstatement of your license.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing.

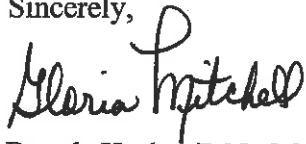
If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by June 9, 2014. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice, can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Sincerely,

  
for Brenda Krohn, R.N., M.S.  
Deputy Executive Director

BK/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Special Conference Committee Members  
Amanda E. M. Blount, Adjudication Specialist  
Kevin W. Almeida, Senior Investigator (154860)  
Peggy Wood, Monitoring Program Manager