

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

ORDER

In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on August 29, 2013, in Henrico County, Virginia. Ms. Brown was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Brown submitted written comments.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Marsha Brown, L.P.N., was issued License No. 0002-082135 to practice as a practical nurse in Virginia on March 22, 2010. The license is scheduled to expire on February 28, 2014. Her primary state of residence is Virginia.
2. By letter dated August 2, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Brown notifying her that an informal conference would be held on August 29, 2013. The Notice was sent by certified and first class mail to 211 Tower Lane, Newport News, Virginia 23608, the address of record on file with the Board of Nursing. The certified mail receipt was signed by Ms. Brown, and Ms. Brown had phone and written communications with the Board that confirmed that she had received the Notice. The Agency Subordinate concluded that adequate notice was provided to Ms.

Brown, and the informal conference proceeded in her absence.

3. During the course of Ms. Brown’s employment with The Gardens at Warwick Forest, Newport News, Virginia (“The Gardens”):

a. On August 9, 2012, Ms. Brown signed off on a Medication Administration Record (“MAR”) verifying the placement of a resident’s Fentanyl patch, even though a nurse on the previous shift had accidentally removed the patch. Ms. Brown stated that she may have mistaken a “nitro” patch for the Fentanyl patch when she did her documentation, although she also told an investigator from the Department of Health Professions that she believed the MAR could have been manipulated to implicate her as a poor performer.

b. On July 27, 2012, Ms. Brown failed to note on a resident’s MAR that the resident’s order for Miralax was for a thrice-weekly administration, resulting in the resident receiving the medication every day for a period of several weeks. Ms. Brown transferred the medication order incorrectly but blamed others for her error in not transferring the information properly.

c. On June 20, 2012, Ms. Brown failed to transfer a resident’s new order for Oxycontin onto the resident’s MAR, resulting in the resident not receiving her prescribed medication in June and July 2012. Ms. Brown charted that she had checked the new order, but she apparently had not done so since the order remained incorrect.

d. On multiple occasions, Ms. Brown failed to treat residents in a kind and respectful manner. She claimed that one of the residents did not like her and fabricated this complaint.

4. Ms. Brown assumes no responsibility for her errors or faults which are described in Findings of Fact 3(b), 3(c), and 3 (d).

5. Following the termination of her employment from The Gardens in August 2012, Ms. Brown visited and repeatedly called a resident to obtain a reference for other employment, causing the

resident to suffer from anxiety and become fearful of her. The recipient of Ms. Brown's persistent contacts, an alert and oriented resident, reported this behavior to a nurse at The Gardens.

6. On October 1, 2012, Ms. Brown falsified her application for employment at Envoy of Williamsburg in that she indicated that she was employed with The Gardens, when, in reality, she had been terminated on August 29, 2012. Ms. Brown had worked for The Gardens since October, 2011.

7. In her defense, Ms. Brown provided three reference letters to the Board.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code, and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.

3. Finding of Fact No. 3(c) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.

4. Finding of Fact No. 3(d) constitutes a violation of § 54.1-3007(5) of the Code.

5. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-082135 of Marsha Brown, L.P.N., is INDEFINITELY SUSPENDED until such time as she can appear before the Board and demonstrate that she is able to resume the safe and competent practice of nursing.

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


3. At such time as Ms. Brown shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Brown 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 practical nursing.


Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Brown failed to appear at the informal conference, this Order shall be considered final. Ms. Brown has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Brown has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD


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

Certified True Copy

By 
Virginia Board of Nursing

Entered: November 25, 2013