

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARSHA K. FELICI, R.N.
License No.: 0001-169123

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 January 9, 2014, in Henrico County, Virginia. Marsha K. Felici, R.N., was present and was represented by Eileen Talamante, Esquire. Janet B. Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Felici was not present nor was she represented by legal counsel.

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 K. Felici, R.N., was issued License No. 0001-169123 to practice professional nursing by the Virginia Board of Nursing on July 10, 2000. Said license is set to expire on December 31, 2015. Her primary state of residence is Virginia.
2. By letter dated October 16, 2013, the Board of Nursing ("Board") sent a Notice of Informal Conference ("Notice") to Ms. Felici notifying her that an informal conference would be held on November 14, 2013. The Notice was sent by certified and first class mail to 1133 Greendale Road, Waynesboro, Virginia 22980, the address of record on file with the Board of Nursing. Subsequently, Ms. Felici requested a continuance. By letter dated November 5, 2013, the Board notified Ms. Felici that an informal conference would be held on January 9, 2014. By letter dated December 17, 2013, the Board sent an Amended Notice to

Ms. Felici notifying her than an informal conference would be held on January 9, 2014. The Notice was sent by certified and first class mail to 1133 Greendale Road, Waynesboro, Virginia 22980, the address of record on file with the Board of Nursing.

3. During the course of her employment at Augusta Health Care, Fishersville, Virginia, from June 2011 to December 2011, Ms. Felici diverted morphine, Dilaudid (hydromorphone) (both Schedule II), and Phenergan (promethazine HCl, Schedule VI) for her personal and unauthorized use. Ms. Felici accomplished the diversion by removing medications for patients and keeping all or part of the doses for herself but documenting administration, and by documenting the medications as being wasted and keeping the wasted medication for herself. Ms. Felici's employment was terminated on December 23, 2011.

4. Ms. Felici signed a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") on March 19, 2012. On May 7, 2012, Ms. Felici received a stay of disciplinary action regarding the incident of drug diversion referenced in Finding of Fact No. 3. On August 20, 2012, the stay was vacated due to noncompliance. Specifically, on July 23, 2012, Ms. Felici tested positive for alcohol and subsequently admitted to drinking an alcoholic beverage on July 21, 2012. On November 15, 2012, Ms. Felici missed a drug check-in. A prescription monitoring program report was obtained and revealed numerous prescriptions that were not authorized by or reported to the HPMP. On January 11, 2013, Ms. Felici was dismissed from the HPMP due to non-compliance.

5. The HPMP case manager appeared at the informal conference and reported that Ms. Felici failed to report prescriptions for hydrocodone, oxycodone, and zolpidem, which were filled between April and August 2012.

6. Ms. Felici reported that she was prescribed the medications for kidney stones and a miscarriage. Ms. Felici also stated that she failed to perform a drug screen computer check-in; however, she did speak to her case manager.

7. Ms. Felici provided documentation of attending therapy every two weeks and random drug

screens being conducted by her therapist. She reported a sobriety date of December 18, 2011 despite admittedly drinking alcohol in July 2012, and attends Alcoholics Anonymous two to three times a week. Ms. Felici completed one year of court-imposed probation for the diversion of drugs from Augusta Health Care, which included random, monthly drug screens. The criminal case was dismissed on August 12, 2013.

8. Ms. Felici was unemployed from December 2011 to July 2013. She has been employed as a charge nurse at Summit Square Retirement Community since July 19, 2013. The director of nursing from Summit Square appeared at the informal conference and spoke on Ms. Felici's behalf and stated that the facility is willing to conduct random drug screens if recommended by the Board.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that Marsha K. Felici, R.N., shall be placed on PROBATION for one year of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that the Order is entered and shall end at such time as Ms. Felici has completed one year of active employment as a professional nurse. The license of Ms. Felici shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation, or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.

2. Ms. Felici shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Felici shall provide the name and address of each employer to the Board.
3. Ms. Felici shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Felici is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
4. Performance Evaluations shall be provided, at the direction of Ms. Felici, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.
5. Ms. Felici shall practice nursing only in a structured, supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site supervision by a professional nurse who holds an unrestricted license. For all current nursing, and before beginning or changing nursing employment during this period, Ms. Felici shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.
6. Ms. Felici shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within 10 days of the date the medication is prescribed.
7. Ms. Felici shall be required to have two supervised, unannounced random drug screens a month, from a Board approved testing entity, which includes testing for alcohol and the following drugs of

choice: morphine, Dilaudid, and opiates. Ms. Felici shall ensure that the first set of results is received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. Felici refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

8. Ms. Felici shall attend Alcoholics Anonymous support group meetings two times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board within 30 days of each meeting.

9. Ms. Felici shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

10. Ms. Felici shall return all copies of her license to practice as a professional nurse, to the Board office within ten days of the date of entry of this Order, along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

11. This Order is applicable to Ms. Felici's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Felici shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

12. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending

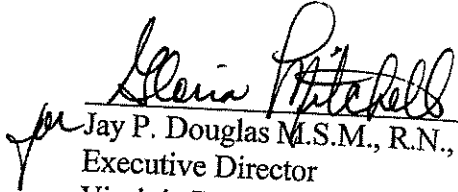
or revoking the license of Marsha K. Felici, R.N., and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

13. Ms. Felici shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Felici may, not later than 5:00 p.m., on May 12, 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.

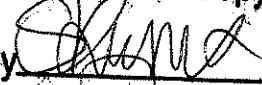
FOR THE BOARD:


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

ENTERED: April 9, 2014

This Order shall become final on May 12, 2014 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing