

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ALETHEA M. MARK, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Alethea M. Mark, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Mark's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Alethea M. Mark, R.N., was issued License No. 0001-160527 to practice professional nursing by the Virginia Board of Nursing on July 30, 1998. Said license is set expire on August 31, 2009.

2. During the course of Ms. Mark's employment with MCV Hospitals of the Virginia Commonwealth University Health System, Richmond, Virginia, in June and July 2008, Ms. Mark obtained oxycodone (schedule II) for her own personal and unauthorized use. She accomplished this by wasting the medication, and later retrieving it from the waste receptacle. She submitted to a urine drug screen on August 13, 2008, which was positive for opiates, oxycodone and oxymorphone (schedule II). Her employment was terminated on August 21, 2008.

3. Ms. Mark is unsafe to practice due to chemical abuse, as she acknowledged in signing a Participation Contract with the Health Practitioners' Intervention Program ("HPIP") on August 22, 2008.

4. Ms. Mark is currently in compliance with her HPIP contract.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2) and (5) of the Code of Virginia

(1950) as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Alethea M. Mark, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS that the Board shall TAKE NO ACTION at this time contingent on the following terms and conditions:

1. Alethea M. Mark, R.N., shall comply with all terms and conditions of the HPIP for the period specified by the HPIP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Alethea M. Mark, R.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Mark shall be noticed to appear before the Board at such time as the Board is notified that:

a. She is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;

b. There is a pending investigation or unresolved allegation against Ms. Mark involving a violation of law or regulation or any term or condition of this Order; or

c. She has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Mark's participation in and compliance with the HPIP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Mark's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Mark 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.

4. Ms. Mark 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 Board of Nursing Regulations.

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 upon request.

FOR THE BOARD

Jay P. Douglas

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

ENTERED: March 25th, 2009

SEEN AND AGREED TO:

Alethea Mark
ALETHEA M. MARK, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Richmond, TO WIT:

Subscribed and sworn to before me, Diana E Bowers, a Notary Public, this 13th day of March, 2009.

My commission expires 04/30/2010.

Registration Number 7044527.

Diana E Bowers
NOTARY PUBLIC

