

SEP 04 2013

DHP

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARJORIE D. DANIELS, L.P.N.
License No.: 0002-074851

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Marjorie D. Daniels, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Daniels' license to practice practical nursing in Virginia.

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

FINDINGS OF FACT

1. Marjorie D. Daniels, L.P.N. was issued License No. 0002-074851 to practice practical nursing by the Virginia Board of Nursing on November 8, 2006. Said license was suspended by Order of the Board entered on February 15, 2013. By virtue of the Nurse Licensure Compact, Ms. Daniels is privileged to practice practical nursing in the State of Kentucky. Ms. Daniels' primary state of residence is Virginia.

2. On September 21, 2011, the Kentucky Board of Nursing ("Kentucky Board") entered an Order of Immediate Temporary Suspension against Ms. Daniels. This action was the result of a complaint filed by the Chief Clinical Nursing Officer of Hazard Appalachian Regional Healthcare Medical Center, Hazard, Kentucky ("HARHMC"), who alleged that between June 14, 2011, and July 6, 2011, Ms. Daniels had documentation deficiencies related to 34 administrations of controlled substances to 12 patients. The HARHMC staff conducted an audit of medication administration by Ms. Daniels, which revealed variances in her documentation. Ms. Daniels withdrew 22 controlled substances from the automatic medication dispensing machine, but failed to document on the Medication Administration Record ("MAR") as given to the patients, returned to the machine or wasted. Ms. Daniels withdrew four controlled substances from the

medication dispensing system, of which she failed to annotate follow-up documentation in the MAR. Finally, Ms. Daniels withdrew seven controlled substances, which were documented in the MAR, but contained documentation deficiencies.

3. Due to the actions taken against Ms. Daniels by the Kentucky Board, on November 8, 2012, the Virginia Board of Nursing (“Virginia Board”) conducted an informal conference before an agency subordinate for the Board. Ms. Daniels was not present nor was she represented by legal counsel. The Agency Subordinate recommended that the license of Ms. Daniels be indefinitely suspended. On January 30, 2013, a quorum of the Virginia Board met to receive and act upon the recommendation of the Agency Subordinate. The recommendation was accepted, and on February 15, 2013, Ms. Daniels’ license to practice practical nursing in Virginia was indefinitely suspended.

4. On May 28, 2013, the Kentucky Board and Ms. Daniels entered into an Agreed Order which issued Ms. Daniels a reprimand and ordered her to comply with several terms and conditions including random drug and alcohol testing, providing a list of all of her healthcare practitioners to the Kentucky Board, remaining free of alcohol and all mood-altering substances including over the counter medications containing alcohol or mood-altering substances, including poppy seeds, providing a written verification of any prescription medication within five days if requested by the Kentucky Board staff, monetary penalty of \$1,000.00, and successful completion of at least 30 contact hours on Substance Abuse.

CONCLUSIONS OF LAW

Findings of Fact Nos. 2 and 4 constitute a violation of § 54.1-3007(7) of the Code of Virginia (1950), as amended (“Code”).

CONSENT

Marjorie D. Daniels, L.P.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 and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her right to practice practical 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 as follows:

1. The Order of the Virginia Board entered February 15, 2013, is VACATED.

2. The license of Marjorie Daniels to practice practical nursing in the Commonwealth of Virginia is hereby REINSTATED.

3. Marjorie D. Daniels, L.P.N., is hereby REPRIMANDED.

4. Ms. Daniels shall be placed on INDEFINITE PROBATION subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. After one year of active employment as a licensed practical nurse, Ms. Daniels may request that the Board end this probation.

b. Ms. Daniels shall return all copies of her license to practice as a licensed practical 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.”

c. Ms. Daniels shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Virginia Board, the Kentucky Board and any consultants designated by the Board.

d. Ms. Daniels 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 ten days of the date the medication is prescribed.

e. Ms. Daniels shall be required to have supervised unannounced random drug screens from a Board approved testing entity, for a period of one year from the date of entry of this Order. Ms. Daniels shall ensure that the first set of test results are 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. Daniels 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.

5. This Order is applicable to Ms. Daniels’ multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Daniels shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written

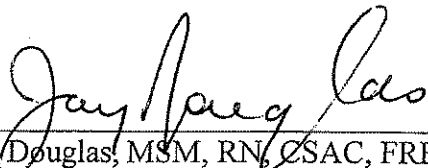
permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

6. Ms. Daniels shall conduct herself as a licensed practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Virginia Board of Nursing Regulations.

7. 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 Ms. Daniels and an administrative proceeding may be held to determine whether her 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 upon request.

FOR THE BOARD


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

ENTERED: September 5TH, 2013

SEEN AND AGREED TO:

Marjorie D. Daniels, LPN
Marjorie D. Daniels, L.P.N.

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

Subscribed and sworn to before me, Rhonda Gay Steele, a Notary Public, this 19th day of August, 2013.

My commission expires November 30, 2017

Registration Number 285006

Rhonda Gay Steele
NOTARY PUBLIC

Rhonda Gay Steele
Notary Public
Commonwealth of Virginia
Registration Number-285006
My Commission Expires: November 30, 2017

Certified True Copy
By apraham
Virginia Board of Nursing