

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           MONIQUE MARSH, C.N.A.  
                  Certificate No.: 1401-087442**

**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 May 9, 2013, in Henrico County, Virginia. Monique Marsh, C.N.A., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Marsh 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. Monique Marsh, C.N.A., was issued Certificate No. 1401-087442 to practice as a nurse aide in Virginia on July 7, 2001. The certificate is scheduled to expire on July 31, 2013.
2. By letter dated April 4, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Marsh notifying her that an informal conference would be held on May 9, 2013. The Notice was sent by certified and first class mail to P. O. Box 111, Toano, Virginia 23168, the address of record on file with the Board of Nursing at that time.
3. During the course of her employment with Envoy of Williamsburg, Williamsburg, Virginia, on October 29, 2012, at approximately 9:30 p.m., while walking down the hall, Ms. Marsh saw Resident A sitting on the floor in her room and assumed she had fallen. Ms. Marsh reported the matter to her charge nurse and assisted her in getting the resident from the floor onto the bed. Ms. Marsh failed to follow the facility's fall prevention policy and report the incident by calling a "Falling Star." On October 30, 2012, during the internal

investigation of the resident's swollen arm, Ms. Marsh did not tell the truth and specifically denied having any knowledge of how the injury could have occurred.

4. Ms. Marsh stated that she was not assigned to Resident A and was following the instructions of her supervisor who instructed her not to tell about the resident's fall. Ms. Marsh was employed at Envoy of Williamsburg from 2008, when it was known as Ruxton, to November 8, 2012, when her employment was terminated as a result of the above incident. During her employment, she received disciplinary actions for time and attendance. She is currently employed as a direct care partner at Care and Family Group Home.

5. On February 1, 2011, in the General District Court of Williamsburg-James City County, Virginia, Ms. Marsh was convicted of providing a false report to a law enforcement officer, a misdemeanor. She was sentenced to 90 days in jail, suspended, and placed on probation for one year. Ms. Marsh was also ordered to pay fines and court costs totaling \$361.00, which were paid in full on February 6, 2012.

6. On June 19, 2007, in the General District Court of Williamsburg-James City County, Virginia, Ms. Marsh was convicted of misdemeanor petty larceny. She was sentenced to twelve months in jail with eleven months suspended, and placed on probation for one year. Ms. Marsh was also ordered to pay fines and court costs totaling \$251.00, which were paid in full on June 16, 2008.

7. At the Informal conference Ms. Marsh took responsibility for denying any knowledge of the patient's fall. Neither of her convictions was practice related.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.
2. Findings of Fact Nos. 5 and 6 constitute a violation of § 54.1-3007(4) of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:


1. Monique Marsh, C.N.A., is hereby REPRIMANDED.
2. Ms. Marsh shall maintain a course of conduct in her capacity as a nurse aide commensurate with

the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing Certified Nurse Aides.

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. Marsh may, not later than 5:00 p.m., on **August 26, 2013**, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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.

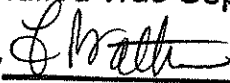
FOR THE BOARD:

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

ENTERED: July 24<sup>th</sup>, 2013

This Order shall become final on August 26, 2013; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
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Virginia Board Of Nursing