

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: Marilyn M. Hong, R.N.
License No.: 0001-145607**

ORDER

In accordance with Sections 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 April 29, 2005 in Henrico County, Virginia. Marilyn M. Hong, R.N., failed to appear and was not represented by legal counsel at the proceeding. Janet B. Younger, Ph.D., R.N., P.N.P., serving as agency subordinate for the Board, submitted a Recommended Decision for consideration.

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

FINDINGS OF FACT

1. Ms. Hong was issued license number 0001-145607 to practice professional nursing in Virginia on September 22, 1995. The license is current.
2. By letter dated April 8, 2005, the Board of Nursing sent a Notice of Informal Conference to Marilyn M. Hong, R.N. notifying her that an informal conference would be held on April 29, 2005. The Notice was sent by certified and first class mail to 2600 South Veitch Street, #405, Arlington, Virginia 22206 the address of record on file with the Board of Nursing. A certified green card was returned unclaimed and unsigned. The Agency Subordinate determined that proper notice had been made, therefore the informal conference convened in her absence.
3. As a result from the use of alcohol or drugs, and due to mental or physical illness Ms. Hong has been rendered unsafe to practice. Specifically:

- a. Ms. Hong has a history of sedative-hypnotic/anxiolytic dependence, alcohol dependence and major depressive disorder, recurrent, moderate;
- b. During the course of Ms. Hong's employment at INOVA Alexandria Hospital, Alexandria, Virginia, on or about February 21, 2003, Ms. Hong was observed exhibiting behaviors consistent with impairment. As a result, Ms. Hong was asked to submit a urine drug screen and blood sample for testing. By her own admission, Ms. Hong asked a patient to provide a urine sample, which she then submitted as her own, because she was taking Fioricet (butalbital), a Schedule VI controlled substance, at that time.
- c. Following Ms. Hong's entry into the Health Practitioners' Intervention Program ("HPIP") on March 31, 2003, HPIP granted her a stay of disciplinary action on June 20, 2003. Ms. Hong was dismissed from the HPIP by letter dated December 21, 2004, for non-compliance, based upon Ms. Hong's failure to refrain from practice after her case manager instructed her to do so. Ms. Hong continued to use controlled substances and alcohol. Specifically, she had a positive urine screen for alcohol on October 13, 2004, and again on November 29, 2004. Ms. Hong denied testing positive for alcohol on October 13, 2004, and on November 29, 2004 she therefore, requested a retest. Ms. Hong's request to be retested was denied.
- d. A representative from the HPIP program stated that Ms. Hong signed a participation agreement on April 22, 2003, and a Recovery Monitoring Contract on June 12, 2003. Ms. Hong participated in an outpatient treatment program provided by INOVA Comprehensive Addiction Treatment Services ("CATS"), but then tested positive for valium on May 28, 2004, and June 9, 2004. Ms. Hong was also involved in a motor vehicle accident and was prescribed Valium, but did not disclose her history of substance abuse. Ms. Hong's HPIP

stay was vacated because of the above positive drug screens, and she was referred for relapse prevention treatment.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact No. 3, b through d, constitute a violation of §54.1-3007(3) and (6) of the Code of Virginia.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that License No. 0001-145607, issued to Marilyn Hong, R.N., to practice professional nursing in the Commonwealth of Virginia, be and hereby is INDEFINITELY SUSPENDED. Ms. Hong may petition the Board after not less than two (2) years from the date of entry of this Order for reinstatement of her license to practice professional nursing, at which time an administrative proceeding will be convened to receive evidence satisfactory to the Board that Ms. Hong is able to resume the safe and competent practice of nursing.

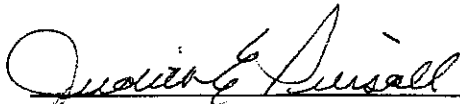
Upon entry of this Order, the license of Marilyn Hong, R.N., will be recorded as suspended and no longer current. Consistent with the terms of this Order, in the event that Ms. Hong seeks reinstatement of her license, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Since Ms. Hong failed to appear at the informal conference, this Order shall be considered final. Ms. Hong may not request a formal administrative hearing before the Board, but has the right to appeal this decision to a circuit court of the Commonwealth of Virginia. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Hong 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, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at 6603 West Broad Street, Richmond, Virginia 23230. In the event that this decision is served by mail, three (3) days are added to that period.

Pursuant to Section 54.1-2400.2(F) 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.

FOR THE BOARD




Judith E. Piersall, R.N., B.S.N.
President
Board of Nursing

Entered: July 20th, 2005

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to, Marilyn M. Hong, R.N., 2600 South Veitch Street, #204, Arlington, Virginia 22206.



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

Certified True Copy

By DL 7/21/05
Virginia Board of Nursing

July 21st, 2005