

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MARLENE WISE, L.P.N., R.N. APPLICANT
License No.: 0002-068902**

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Marlene Wise, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Wise's application for licensure by examination to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Marlene Wise, L.P.N., was issued License No. 0002-068902 to practice practical by the Virginia Board of Nursing on June 8, 2004. Said license is set to expire on June 30, 2012. Ms. Wise's primary state of residence is Virginia.
2. Ms. Wise submitted an application for licensure by examination to practice professional nursing which was received by the Board on September 27, 2011.
3. On March 18, 2009, Ms. Wise was convicted of obtaining drugs by fraud, a misdemeanor, in the Circuit Court of the City of Williamsburg and County of James City, Virginia. This conviction was based upon her admittedly seeking a vicodin prescription illegally.
4. Ms. Wise provided evidence that she successfully completed probation as of March 9, 2009, and that her court costs are paid in full.
5. Ms. Wise provided evidence of entry into the Health Practitioners' Monitoring Program ("HPMP") on February 1, 2008, acknowledging a substance abuse impairment. On July 1, 2010, Ms. Wise completed a 42-session outpatient substance abuse treatment program.

6. By letter dated October 11, 2011, the HPMP notified the Board that Ms. Wise had missed a screening call on September 28, 2011, she was not currently in compliance with her Recovery Monitoring Contract and was placed on warning status. However, she was determined safe to practice nursing.

7. Ms. Wise stated in her application that she attends three Narcotics Anonymous meetings each week and two Caduceus meetings a month.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of 54.1-3007(4) of the Code of Virginia (1950), as amended, (“Code”).

2. Finding of Fact No. 3 and 5 constitutes a violation of 54.1-3007(6) of the Code of Virginia (1950), as amended, (“Code”).

3. Otherwise, Ms. Wise meets the requirements § 54.1-3017 of the Code.

CONSENT

Marlene Wise, 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 application for licensure by examination 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 as follows:

1. The application for licensure by examination of Marlene Wise to practice professional nursing is APPROVED contingent upon her continued compliance with the HPMP.
2. Ms. Wise shall comply with the HPMP for the period specified by the HPMP.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Wise, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Wise shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Wise is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against Ms. Wise involving a violation of law or regulation or any term or condition of this Order; or
 - c. Ms. Wise has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Wise's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Wise's appearance before the Board and conduct an administrative review of this matter.
4. Upon successful completion of the NCLEX-RN examination, the Board shall issue Ms. Wise a professional nursing license marked "Valid in Virginia Only".
5. This Order is applicable to Ms. Wise's multistate licensure privileges, if any, to practice professional and practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Wise 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 Ms. Wise wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

6. Ms. Wise 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: December 5th, 2011

SEEN AND AGREED TO:

Marlene Wise
Marlene Wise

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Hampton News, TO WIT:

Subscribed and sworn to before me, Debra Holcomb, a Notary Public, this 30 day of Nov, 2011.

My commission expires 7-31-2013.

Registration Number 307883.

Debra Holcomb
NOTARY PUBLIC

Debra Holcomb
DEBRA E. HOLCOMB
Notary Public
Commonwealth of Virginia
307883
My Commission Expires July 31, 2013