

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:                                BRONWEN K. MARSHALL, R.N.**

**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 October 6, 2010, in Henrico County, Virginia. Bronwen K. Marshall, R.N. was present and was not represented by legal counsel. Janet B. Younger, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 16, 2010, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Marshall was present and was not represented by legal counsel. Ms. Marshall submitted written comments/objections.

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. Bronwen K. Marshall, R.N., was issued License No. 0001-140420 to practice professional nursing in Virginia on September 19, 1994. The license is scheduled to expire on April 30, 2012. Her primary state of residence is Virginia.

2. By letter dated September 9, 2010, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Marshall notifying her that an informal conference would be held on October 6, 2010. The Notice was sent by certified and first class mail to 3560 Pease Road, Midlothian, Virginia, the address of record on file with the Board of Nursing.

3. Ms. Marshall's license to practice professional nursing was summarily suspended by the

Board on February 4, 2000, and the suspension was continued indefinitely by a Consent Order entered on March 24, 2000. The indefinite suspension was based upon Ms. Marshall's abuse of narcotic medication and illegal drugs, her 1999 dismissal from the Health Practitioners' Monitoring Program ("HPMP") for noncompliance, and mental illness.

4. In March 2006, Ms. Marshall submitted an application for reinstatement to the Board, and her application was approved by Order of the Board dated July 31, 2006 ("Board's Order"), subject to compliance with all terms and conditions for the period specified by the HPMP.

5. Ms. Marshall remained in compliance with the Board's Order for approximately four years.

6. On April 21, 2010, Ms. Marshall was dismissed from the Health Practitioners' Monitoring Program for noncompliance, including failing to call in for drug screens on three occasions, testing positive for buprenorphine (Schedule III) on three occasions and tramadol on one occasion, and failing to disclose to HPMP that she had begun treatment for drug addiction with Dr. Peter Coleman.

7. In September 2009, Ms. Marshall was asked to resign from Amelia Nursing and Rehabilitation Center, Amelia, Virginia, where she was employed for approximately three months, for reported unprofessional conduct. She was intermittently employed with the Laurels of Bon Air, Richmond, Virginia from late 2007 until January 2009, and she was employed with Parham Health Care for a short time.

8. Ms. Marshall acknowledged she has a long, complex history of drug addiction, including heroin use as recently as February 2010. She acknowledged relapse with deceptive practices after being prescribed Percocet following bunionectomy surgery in January 2009, which led to her HPMP dismissal. She is currently being treated with Dr. Coleman for addiction, including suboxone treatment, with no specific monitoring, and is being treated by Chesterfield Mental Health for her mental health issues. At

the informal conference, she reported attending daily 12-step meeting.

9. Ms. Marshall was convicted in 2001 in the Circuit Court of Chesterfield County of obtaining or attempting to obtain drugs by fraud, in 2003 of three counts of misdemeanor larceny, and in 2004 of felony escape. These convictions were addressed in the Board's July 31, 2006, Order granting Ms. Marshall's application for reinstatement of her license to practice as a professional nurse.

10. At the informal conference, Ms. Marshall stated she "welcomed monitoring," specifically indicating her willingness to return to HPMP, but she expressed a preference for monitoring by the Board.

### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 6 constitutes a violation of Term No. 1 of the Board's Order.
2. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(6) of the Code.

### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

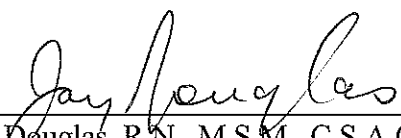
1. Bronwen K. Marshall, R.N., is hereby REPRIMANDED.
2. License No. 0001-140420 of Bronwen K. Marshall, R.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Marshall shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Marshall shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
5. This suspension applies to any multistate privilege to practice professional nursing.
6. This Order is applicable to Ms. Marshall's multistate licensure privileges, if any, to

practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Marshall 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. Marshall wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

This Order is subject to appeal to the Board. If Ms. Marshall desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

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: December 30<sup>TH</sup>, 2010