

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In Re: Marsha L. McIntosh, L.P.N.

Petition No. 2011-1076

CONSENT ORDER

WHEREAS, Marsha L. McIntosh (hereinafter "respondent") of Willow Spring, North Carolina, has been issued license number 032118 to practice as a licensed practical nurse by the Connecticut Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. On January 25, 2011, respondent entered into a Consent Agreement with the Oklahoma Board of Nursing, which disciplined her Oklahoma L.P.N. license as a result of respondent's entering physicians' orders for 16 patients into a facility computer system using another nurse's log-in information. Respondent failed to comply with the terms of the Consent Agreement and her license was subsequently suspended.
2. On May 26, 2011, respondent submitted a license renewal application for her North Carolina L.P.N. license to the North Carolina Board of Nursing on which she falsely answered "No" to a question asking whether, since she last renewed in North Carolina, she had any action taken against a nursing license issued to her from another state that had not been previously reported to the North Carolina Board of Nursing.

3. On July 4, 2011, respondent submitted a license renewal application to the Connecticut Department of Public Health in which she falsely answered "No" to the question asking whether there had ever been any disciplinary action taken against her by a licensing/certification authority in any other state.
4. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including but not limited to:
 - a. §20-99(b)(1);
 - b. §20-99(b)(2); and/or,
 - c. §20-99(b)(6).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above-admitted violations or allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board. Respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
3. Respondent's license number 032118 to practice as a licensed practical nurse in the State of Connecticut is hereby reprimanded.
4. In the event respondent intends to return to the practice of nursing in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice.

5. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
6. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.
7. Respondent understands this Consent Order is a matter of public record.
8. Respondent understands this Consent Order shall be deemed as evidence of the above-admitted violations in any proceeding before the Board in which (1) her compliance with this same Consent Order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank.
9. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent understands that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.
10. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand

that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.

11. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
12. Respondent has had the opportunity to consult with an attorney prior to signing this document.
13. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
14. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Marsha L. McIntosh, have read the above Consent Order, and I agree to the terms set forth therein.

I further declare the execution of this Consent Order to be my free act and deed.

Marsha L. McIntosh
Marsha L. McIntosh, L.P.N.

Subscribed and sworn to before me this 13th day of April, 2012.

MYRNA LOPEZ
Notary Public
Wake County, NC
My Commission Expires Oct. 24, 2014

Myrna Lopez
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 19th day of April, 2012, it is hereby accepted.

Jennifer Filippone
Jennifer Filippone, Section Chief,
Practitioner Licensing and Investigations
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 16th day of May, 2012, it is hereby ordered and accepted.

BY: Patricia C. Benford
Connecticut Board of Examiners for Nursing