

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: RAQUEL BRADY, L.P.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 March 8, 2010, in Henrico County, Virginia. Raquel Brady, L.P.N., 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 May 19, 2010, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Brady 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. Raquel Brady, L.P.N., was issued License No. 0002-076867 to practice practical nursing in Virginia on October 2, 2007. The license expires on September 30, 2011.
2. By letter dated October 29, 2009, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Brady notifying her that an informal conference would be held on March 8, 2010. The Notice was sent by certified and first class mail to 456 Seaboard Avenue, Hampton, Virginia 23664, the address of record on file with the Board of Nursing. The Notice was also sent to 1818 Broadstreet Road, Hampton, Virginia, a secondary address. By letter dated February 12, 2010, the Board of Nursing sent an Amended Notice of Informal Conference ("Amended Notice") to Ms. Brady notifying

her that an informal conference would be held on March 8, 2010. The Amended Notice was sent by certified and first class mail to 456 Seaboard Avenue, Hampton, Virginia 23664, the address of record on file with the Board of Nursing. The Amended Notice was also sent to 1818 Broadstreet Road, Hampton, Virginia, a secondary address.

3. On June 5, 2009, during the course of her employment with James River Convalescent and Rehabilitation Center, Newport News, Virginia, Ms. Brady was observed by her co-workers to be slow in her movements, had glassy eyes, exhibited slurred speech, and stumbled as she walked. Ms. Brady's employment was terminated on June 6, 2009, for appearing to be under the influence of a mood altering substance, as witnessed by three employees.

4. On November 30, 2009, Ms. Brady signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") and on January 10, 2010, she signed a Recovery Monitoring Contract. As of the day of the informal conference, March 8, 2010, Ms. Brady was noncompliant with the Recovery Monitoring Contract in that she was not attending required treatment sessions and/or meetings, and she had not submitted treatment reports on time. Additionally, the HPMP had determined that Ms. Brady was not safe to return to practice.

5. At the informal conference, Ms. Brady admitted that she had taken Flexeril and Percocet (oxycodone, Schedule II) prior to reporting to work on June 5, 2009, at 11:00 p.m. On June 17, 2009, Ms. Brady submitted to a urine drug screen at the request of the Department of Health Professions investigator. The drug screen was positive for benzodiazepines. Ms. Brady told the investigator that a friend had given her Valium (diazepam, Schedule IV); however, at the informal conference she admitted that she was buying the drug from friends. Ms. Brady initially stated that her sobriety date was November 24, 2009, but in later statements, she indicated that she was clean for 72 days then had a two-week relapse and was not sure of her current sobriety date. She thought it was some time in February 2010. Ms. Brady stated that

she currently attends intensive outpatient program meetings two times a week with the Chessin Group, when her work schedule permits; however, it was later learned from the HPMP that Ms. Brady last attended treatment on February 8, 2010. Ms. Brady reported that she had missed three urine drug screens for the HPMP. She is currently employed at a family owned car lot and admits to being unsafe to practice nursing.

6. On March 10, 2010, the HPMP reported to the Board that Ms. Brady has been placed on pre-dismissal status and recommended residential treatment with a two-week deadline to provide the HPMP with a date of entry or she will be presented for dismissal.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3, 4, & 5 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-076867 of Raquel Brady, L.P.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Brady 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 practical nursing. Ms. Brady 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.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. This suspension shall be STAYED upon proof of compliance with a Recovery Monitoring Contract with the HPMP pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, to include successful completion of

residential treatment as recommended by the HPMP on March 10, 2010. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Brady shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Raquel Brady, L.P.N., and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Brady is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Brady's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Brady involving a violation of law, regulation, or any term or condition of this order.

c. Upon receipt of evidence of Ms. Brady's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Brady's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

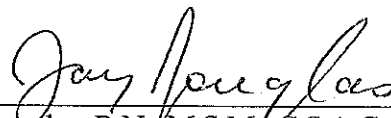
7. This Order is applicable to Ms. Brady's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Brady shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Ms. Brady shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

This Order is subject to appeal to the Board. If Ms. Brady 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



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

Entered: May 27th, 2010

Certified True Copy

By 
Virginia Board of Nursing