

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: BRANDI N. EICHELBERGER, R.N.
License Number: 0001-250099
Case Number: 179003

RATIFICATION AND ORDER

On September 20, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Brandi N. Eichelberger, R.N., was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, 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.

Since Ms. Eichelberger failed to appear at the informal conference, this Order shall be considered final. Ms. Eichelberger has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Eichelberger has thirty 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, Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD

Jay P. Douglas

Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

October 13, 2017

Certified True Copy
By *draham*

Virginia Board Of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: BRANDI N. EICHELBERGER, R.N.
License Number: 0001-250099
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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on August 3, 2017 in Henrico County, Virginia, to inquire into evidence that Brandi N. Eichelberger, R.N., may have violated certain laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

Ms. Eichelberger did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated June 30, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Eichelberger notifying her that an informal conference would be held on August 3, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The certified mail receipt was signed and returned to the Board. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Eichelberger and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Brandi N. Eichelberger, R.N., was issued License Number 0001-250099 to practice professional nursing on March 5, 2014, which was valid in Virginia only and which expired on June 30,

2017. At all times relevant to the findings herein, said license was in full force and effect. Ms. Eichelberger is also licensed to practice professional nursing in the State of West Virginia. Her primary state of residence is West Virginia.

2. By Order entered September 2, 2016 ("Board's Order"), the Board reprimanded Ms. Eichelberger and required her to pay a monetary penalty of \$1,000 and complete three online NCSBN courses within 90 days. This Order was based on findings that while employed at Valley Health System, Winchester, Virginia Ms. Eichelberger had forged a prescription for nitroglycerin for a patient in her care and had signed a physician's name to the prescription without justification or authorization.

3. Ms. Eichelberger violated Term No. 2 of the Board's Order, which required her to pay the monetary penalty within 90 days of the entry of the Order, in that she failed to pay the monetary penalty.

4. In a letter to the Board dated January 5, 2017, Ms. Eichelberger stated that she had sent a check "to the cashier" to satisfy the monetary penalty, but as of the date of the informal conference, no check had been received. She did not respond to any follow-up contacts by the Board's Compliance Case Manager.

5. Ms. Eichelberger violated Term No. 3 of the Board's Order, which required her to provide written proof of completion of three NCSBN courses within 90 days of the Order's entry, or by December 1, 2016, in that she did not submit the certificates of completion until January 12, 2017.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Brandi N. Eichelberger, R.N., is REPRIMANDED.

2. The right of Brandi N. Eichelberger, R.N., to renew her license to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
3. The license of Brandi N. Eichelberger, R.N., will be recorded as SUSPENDED.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. Should Brandi N. Eichelberger, R.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Eichelberger to demonstrate that she is safe and competent to return to the practice of nursing. Ms. Eichelberger shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on August 26, 2017
By Allison Gregory, M.S., R.N., F.N.P.-B.C.
Agency Subordinate

Certified True Copy
By *dgraham*
Virginia Board Of Nursing