

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: BRANDI N. EICHELBERGER, R.N.
License Number: 0001-250099
Case Number: 169104

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on August 11, 2016, 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 professional nursing in the Commonwealth of Virginia.

Brandi N. Eichelberger, R.N. did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated July 15, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Eichelberger notifying her that an informal conference would be held on August 11, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was signed by a third party and returned to the Board office on July 16, 2015. The Notice sent via first-class mail was not returned to the Board office. Accordingly, the Committee Chair concluded that adequate notice was provided to Ms. Eichelberger and the informal conference proceeded in her absence.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

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 is scheduled to expire on June 30, 2017. At all times

relevant to the findings contained herein, said license was current and active. Her primary state of residence is Virginia.

2. Ms. Eichelberger violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(a) and (e) of the Regulations Governing the Practice of Nursing in that that during the course of her employment with Valley Health System, Winchester, Virginia, on July 10, 2015, she forged a prescription for nitroglycerin for a patient in her care and signed a physician's name to the prescription without justification or authorization.

3. In a statement to the Board, Ms. Eichelberger stated that she was seeking to expedite the patient's discharge from the hospital and asked a physician she encountered at the hospital to write the prescriptions. However, the physician whose name and signature appeared on the prescription denied writing or authorizing the prescription and stated she was in her office all day and not at the hospital. Further, the physician did not provide any care to the patient.

4. Other than her written statements, Ms. Eichelberger did not respond to the Department of Health Professions' investigator's attempts to contact her. Ms. Eichelberger also noted in her written statement that she was pursuing her CRNA license.

5. Ms. Eichelberger's employment with Valley Health System was terminated for violating the scope of her practice.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Brandi N. Eichelberger, R.N., is REPRIMANDED.
2. Brandi N. Eichelberger, R.N., is assessed a MONETARY PENALTY of ONE THOUSAND DOLLARS (\$1,000.00). This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 90 days from the date of entry of this

Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline.

3. Within 90 days from the date of entry of this Order, Brandi N. Eichelberger, R.N., shall provide written proof satisfactory to the Board of successful completion of the following NCSBN courses:

- a. *Disciplinary Actions: What Every Nurse Should Know*
- b. *Professional Accountability & Legal Liability for Nurses*
- c. *Righting a Wrong: Ethics and Professionalism in Nursing*

4. Brandi N. Eichelberger, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

5. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

FOR THE BOARD

Jay Douglas
for *Gloria Mitchell-Lively*
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.N.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED:

September 2, 2016

Certified True Copy
By *M. Baulch*
Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Eichelberger may, not later than 5:00 p.m., on October 5, 2016, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on October 5, 2016, unless a request for a formal administrative hearing is received as described above.