

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           THERESA BRADY, R.N. REINSTATEMENT APPLICANT**  
**License No.: 0001-190157**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on March 21, 2016, in Henrico County, Virginia, to receive and act upon Theresa Brady's application for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by the Department of Health Professions on February 7, 2013, and to inquire into evidence that Ms. Brady may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Brady was present and was represented by Charles Sipe, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Theresa Brady, R.N., was issued License No. 0001-190157 to practice professional nursing in Virginia on May 21, 2004. On February 7, 2013, Ms. Brady's license was mandatorily suspended by the Department of Health Professions. Ms. Brady's primary state of residence is Virginia.
2. On January 15, 2013, Ms. Brady was convicted in the Circuit Court of Albemarle County, Virginia, upon a plea of guilty, to second-degree attempted murder, which formed the basis of the mandatory suspension of her license.

3. In August 2012, Albemarle County police responded to the home of Ms. Brady, which she shared with her then-husband and two small children. An investigation revealed that Ms. Brady had attempted to inject her sleeping husband with what was later identified as insulin. This incident appeared to be the culmination of what the evidence suggests was a deeply troubled relationship between Ms. Brady and the victim, who married in 2002. Ms. Brady reported having been verbally and emotionally abused by her husband during the course of their marriage. She admitted that she intended to inject him with the insulin, which she knew from her medical training could have killed him, but stopped herself before completing the act. Her husband suffered a scratch from the needle's tip. She was incarcerated from August 2012 through January 2015. While in prison, Ms. Brady took a number of non-nursing courses.

4. In August 2012, Ms. Brady unintentionally took insulin home from Martha Jefferson Hospital, Charlottesville, Virginia, where she had been employed in good standing since 2008.

5. Ms. Brady obtained employment as an office manager at Virginia Ankle and Foot after her release. Dr. Goldman, her employer, testified that the patients who come into his practice all like Ms. Brady, and that Ms. Brady enjoys working and is outgoing. He stated that Ms. Brady is a calming influence in the office and that he has no reservations about her being safe and competent to practice nursing. He reported that she has demonstrated that she is safe, friendly and courteous with patients and described her as a dedicated and thorough worker.

6. Ms. Brady originally was to serve eighteen months of supervised probation, but she was released after only nine months due to her good behavior. Ms. Brady has been receiving treatment with Dr. Kosowitz with Charlottesville Psychological Associates and is working with Dr. Dan Elash, a life coach (not a licensed health care professional).

7. Dr. Kosowitz stated that Ms. Brady accepts responsibility for her actions. He diagnosed her with Adjustment Disorder and stated that she exhibited symptoms of PTSD. He stated that he believes that Ms. Brady is safe and competent to resume the practice of nursing. He stated that he plans to see her two to

three times per month for the foreseeable future, and that any issues she may encounter in reentering practice as an RN should be able to be dealt with through her continued counseling.

8. As part of her reinstatement application, Ms. Brady has submitted a number of letters in support of her reinstatement. Several make mention of the abuse she suffered during the marriage and the toll it took on her. Others, including physicians and nurses, stated that they would welcome her reinstatement and would allow her to care for them.

9. Ms. Brady stipulated to Allegations Nos. 1 and 2 in the Statement of Particulars in the Notice of Formal Hearing as well as the factual allegation in No. 3 of the Statement of Particulars.

10. Ms. Brady's life coach, who has seen her for about a year once per week, testified that Ms. Brady has done a good job of learning how to be a self-advocate and how to be a survivor, not a victim.

11. Sandra Fields, Ms. Brady's supervisor at the time of the attempted murder, testified that she never had any concerns about Ms. Brady's practice as a nurse. She further stated that, in her opinion, Ms. Brady's work performance was unaffected during the time she suffered the most stress in her marriage.

12. Ms. Brady testified that when she took the insulin referenced in Finding of Fact No. 4 home, it was unintentional. She further acknowledged that such an occurrence was unacceptable and that it would not occur in her practice in the future.

13. Ms. Brady told the Board that she has grown to realize that she did not stand up for herself in her marriage and that she knows she has survived huge obstacles and that she can effectively cope. She told the Board that she loves the challenge of nursing and considers herself a team player.

### CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(5) of the Code.
3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code.

4. Ms. Brady has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

**ORDER**

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS as follows:

1. Theresa Brady, R.N. is hereby REPRIMANDED.
2. License No. 0001-190157 issued to Theresa Brady, R.N., to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED on PROBATION for not less than six months of actual nursing employment, subject to the following terms and conditions:
  - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Brady has completed six months of active practice in employment as a professional nurse (“practice employment”). The license of Ms. Brady shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400.9 et seq. of the Code.
  - b. Ms. Brady shall continue treatment by a mental health specialist that she is currently seeing. Ms. Brady shall comply with any treatment recommendations of the specialist. Written progress reports by the therapist shall be sent to the Board until Ms. Brady is discharged from therapy. Ms. Brady shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.
  - c. Performance Evaluations shall be provided to the Board, at the direction of Ms. Brady, by all practice employer(s), using the forms provided by Compliance and available on the Board’s website.

d. The Board shall issue a professional nurse license marked "Valid in Virginia Only; Probation with Terms."

e. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. Many of the required report forms are available on the Board's website for your convenience.

f. Ms. Brady shall inform the Board in writing within 10 days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Brady shall provide a contact name, address, and phone number for each practice employer to the Board.

g. Ms. Brady shall inform all current and future practice employers that the Board has placed her on probation and Ms. Brady shall provide each practice employer with a complete copy of this Order. If Ms. Brady is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation. If Ms. Brady is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

h. Ms. Brady shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an *Authorization for Disclosure of Information* form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any/or consultants designated by the Board, if applicable.

i. Ms. Brady shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Brady has current practice employment or not.

j. Ms. Brady shall conduct herself as a professional nurse in compliance with the

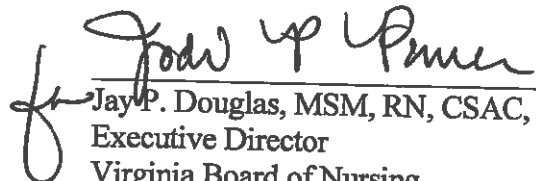
requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.

k. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Brady, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

l. This Order is applicable to Ms. Brady's multistate nursing licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Brady shall not practice outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the express written permission of both 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.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

  
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Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

April 22, 2016  
ENTERED

Certified True Copy

By   
Virginia Board Of Nursing

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.