

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           BRANDON SPAPE, C.N.A.  
                  Certificate No.: 1401-149060**

**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 October 22, 2015 in Henrico County, Virginia. Mr. Spape was not present nor was he represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Spape was not present nor was he 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.       Brandon Spape, C.N.A., was issued Certificate No. 1401-149060 to practice as a certified nurse aide in Virginia on November 16, 2011. Said certificate is set to expire on November 30, 2015.

2.       By letter dated July 15, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Spape notifying him that an informal conference would be held on August 18, 2015. The Notice was sent by certified and first class mail to 4720 Greenwood Drive, Lynchburg, Virginia, 24502, the address of record on file with the Board of Nursing. Both the Notice sent by certified and first class mail were returned to the Board office marked "return to sender, insufficient address." The informal conference was continued to October 22, 2015. On August 25, 2015, a letter was sent to Mr. Spape by

certified mail notifying him of the new informal conference date. The letter was sent to his address of record as well as to 211 Honey Tree Lane, Lynchburg, Virginia, 24502, a secondary address. According to the United States Postal Service, both letters sent by certified mail were “unclaimed.” The Agency Subordinate concluded that adequate notice was provided to Mr. Spape and the informal conference proceeded in his absence.

3. On January 9, 2015, Mr. Spape was hospitalized pursuant to a Temporary Detention Order at Virginia Baptist Hospital, Lynchburg, Virginia.

4. On March 30, 2015, during an interview with an investigator for the Virginia Department of Health Professions, Mr. Spape stated that he has had severe depression all of his life. He stated that on January 9, 2015, he wrote a suicide note to his family, had obtained his father’s shotgun and a couple of shells, and had bought “command” hooks and a trip wire at Walmart. He stated that he drove to Pennsylvania with the intent to shoot himself; however, his family called him and convinced him to drive back to Lynchburg, Virginia, where he was taken into custody.

5. According to hospital psychiatric admission records, Mr. Spape reported that he had attempted suicide approximately three weeks prior to January 9, 2015. He reported that he had taken a bottle of insulin from his place of employment and injected himself with the insulin in hopes of ending his life.

6. The investigator received letters from two of Mr. Spape’s treatment providers at Centra Medical Group, Piedmont Psychiatric Center, Lynchburg, Virginia. As of the end of April, 2015, both providers reported that it was their medical opinion that Mr. Spape did not have the “psychological, emotional and behavioral regulation capacities” to safely practice as a certified nurse aide.

7. Mr. Spape’s previous employer, Medical Care Center, Lynchburg, Virginia, reported that they had concerns with Mr. Spape’s hygiene and appearance at work and they did not feel that he cared

about taking care of the patients. Mr. Spape's employment with Medical Care Center was terminated on January 27, 2015, because Mr. Spape had been a "no call/no show" for his shift, after less than one year of employment.

8. During his interview, Mr. Spape stated that he did not wish to return to practice as a nurse aide.

### CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of §54.1-3007(6) of the Code.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

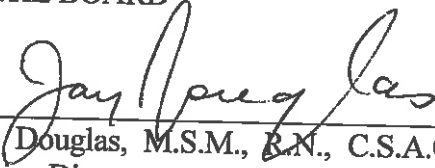
1. Certificate No. 1401-149060 of Brandon Spape, C.N.A., is INDEFINITELY SUSPENDED for a period of not less than two years.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Mr. Spape shall petition the Board for reinstatement of his certificate, an administrative proceeding will be convened to determine whether he is capable of resuming safe and competent practice as a certified nurse aide. Mr. Spape shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

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.

Since Mr. Spape failed to appear at the informal conference, this Order shall be considered final. Mr. Spape 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, Mr. Spape has thirty (30) days from the date of service

(the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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 (3) days are added to that period.

FOR THE BOARD



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

Entered: February 3<sup>rd</sup>, 2016

Certified True Copy

By   
Virginia Board Of Nursing