

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       DIANE BRANZELLE, C.N.A.**  
**Certificate No.: 1401-115145**

**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 July 1, 2015 in Henrico County, Virginia. Ms. Branzelle 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 September 16, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Branzelle 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. Diane Branzelle, C.N.A., was issued Certificate No. 1401-115145 to practice as a certified nurse aide in Virginia on July 29, 2006. Said certificate is set to expire on July 31, 2015.
2. By letter dated May 29, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Branzelle notifying her that an informal conference would be held on July 1, 2015. The Notice was sent by certified and first class mail to 25614 Cox Road, North Dinwiddie, Virginia, 23803, the address of record on file with the Board of Nursing.
3. During the course of her employment with At Home Care Staffing, Colonial Heights, Virginia, between August 8, 2014 and September 5, 2014, on approximately 11 occasions, while

assigned to provide Respite Care to a patient, Ms. Branzelle failed to provide care to the patient as scheduled and repeatedly falsified time sheets regarding the hours that she worked. In addition, she frequently texted the patient's daughter to let her know when she would be late or not coming to work rather than informing her employer, thereby leaving the patient without her scheduled care.

4. Ms. Branzelle's employment with At Home Care Staffing was terminated on September 9, 2014, after a two-year term of employment. During the investigation of this matter, Ms. Branzelle admitted to an investigator for the Department of Health Professions ("DHP") that it was her practice to call the family and not to call her employer if she was going to be late or unable to make the assignment. At Home Care Staffing provided evidence that Ms. Branzelle had received a previous counseling on the proper way to notify the agency if she was going to be late or miss an assignment. Additionally, Ms. Branzelle stated that she did not feel that her practice of being late or missing a complete shift had any negative effect on the patient.

5. During an interview with a DHP investigator, Ms. Branzelle stated that she did not fill out her timesheets daily and the information on them was false because by the end of the week she was not able to remember what time she arrived or left. Ms. Branzelle also stated that the patient's husband signed her time sheets and that "he didn't have the capacity to ask questions or even understand what he was signing."

6. On her application for employment with At Home Care Staffing, dated July 16, 2012, Ms. Branzelle failed to accurately detail her previous employments. On October 22, 2014, during an interview with a DHP investigator Ms. Branzelle listed six previous employments, but she failed to list any of the six employers on her application. At the informal conference, Ms. Branzelle stated that when she applied to At Home Care she could not remember her previous dates of employment and was told by a staff member to put what she could remember.

7. Ms. Branzelle has had eight nursing employers including At Home Care since 2006. At the informal conference, Ms. Branzelle stated that she was currently employed with HCC Personal Care, Sutherland, Virginia, as a certified nurse aide, but that she has not had a case assigned to her for approximately two months. Ms. Branzelle stated that HCC Personal Care was not aware of the pending allegations before the Board.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(d) and (e) of the Regulations Governing Certified Nurse Aides (“Regulations”).

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a finding of Neglect pursuant to 42 CFR §483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

3. Finding of Fact No. 6 constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Diane Branzelle, C.N.A., to renew Certificate No. 1401-115145 is REVOKED.

2. The certificate will be recorded as revoked and no longer current.


3. A Finding of Neglect shall be ENTERED against Ms. Branzelle in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Branzelle’s employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Branzelle may, not later than 5:00 p.m., on **October 27, 2015**, 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.

FOR THE BOARD:

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

ENTERED: Sept 24, 2015

This Order shall become final on October 27, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board Of Nursing