

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**BRANDY OAKES, L.P.N.
LICENSE NO.: 0002-066320**

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, 2012, in Henrico County, Virginia, to inquire into evidence that Brandy Oakes, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Olivia Exterovich, Adjudication Specialist, Administrative Proceedings. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Oakes was not present and was not represented by legal counsel. 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. Brandy Oakes, L.P.N., was issued License No. 0002-066320 to practice practical nursing by the Virginia Board of Nursing on May 29, 2003. Said license was summarily suspended by Order of the Board entered January 17, 2012, and was set to expire on July 31, 2012. Virginia is her primary state of residence.

2. Based upon the representations of Olivia Exterovich of the Administrative Proceedings Division and Commonwealth's Exhibits Nos. 1 and 2, the Notice of Formal Hearing and Statement of Particulars and the Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to Ms. Oakes and the hearing proceeded in her absence.

3. During the course of her employment with Virginia Veterans Care Center, Roanoke, Virginia, on September 29, 2011, Ms. Oakes submitted to a urine drug screen at the request of her employer which was positive for hydrocodone (Schedule II), heroin, and morphine (Schedule II). Ms. Oakes did not have a prescription for these substances. The urine drug screen was conducted at the completion of Ms. Oakes' scheduled shift, during which she exhibited signs of impairment including blood-shot eyes and falling asleep while speaking.

4. Several days prior, on September 25, 2011, Ms. Oakes was involved in an incident in which a syringe and tourniquet were left in a restroom at Virginia Veterans Care Center.

5. On October 6, 2011, Ms. Oakes was notified by letter that her employment at Virginia Veterans Care Center had been terminated due to her being a no call, no show on October 1 and 2, 2011, her two scheduled shifts following the September 29 urine drug screen.

6. On October 7, 2011, Ms. Oakes was arrested after a search warrant executed at her home revealed she was in possession of approximately 74 packets of heroin.

7. Ms. Oakes failed to cooperate with the investigation into this matter by the Department of Health Professions.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of §54.1-3007(5) and (6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The INDEFINITE SUSPENSION of License No. 0002-075231, issued to Brandy Oakes, L.P.N., to practice practical nursing in the Commonwealth of Virginia is hereby CONTINUED.

2. The license of Ms. Oakes will remain recorded as SUSPENDED. Should Ms. Oakes seek reinstatement consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

3. At such time as Ms. Oakes shall petition the Board for reinstatement of her license privilege, a hearing will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

4. This Order shall be applicable to Ms. Oakes' multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia.

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

for *Glenn Mitchell*
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

April 9, 2012
ENTERED

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, R.N., M.S.M., C.S.A.C., 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.