

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BRANDI WELCHER, C.N.A. REINSTATEMENT APPLICANT
License No.: 1401-109661

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 25, 2015, in Henrico County, Virginia, to receive and act upon Brandi Welcher's application for reinstatement of her certificate to practice as a nurse aide in Virginia, and to inquire into evidence that Ms. Welcher may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. James Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Welcher was 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. Brandi Welcher, C.N.A., was issued Certificate No. 1401-109661 to practice as a nurse aide in the Commonwealth of Virginia on July 14, 2005. Said certificate expired on July 31, 2009. By Order of the Board entered November 18, 2009, Ms. Welcher's right to renew her certificate was revoked based on findings that she diverted a prescription pad, diazepam, and narcotics. On September 6, 2011, Ms. Welcher was convicted of three counts of obtaining drugs by fraud, a misdemeanor, in the Montgomery County, Virginia, Circuit Court.

2. Ms. Welcher submitted an application for reinstatement of her certificate to practice as a nurse aide which was received by the Board on October 16, 2014.

3. Ms. Welcher began abusing Lortab (C-II) and snorting cocaine in 2005. On January 8, 2009, Ms. Welcher reported that she attempted suicide by ingesting 60 25mg Xanax (C-IV). Ms. Welcher's current diagnoses are chronic leg pain, hepatitis C, substance abuse, anxiety and depression. Ms. Welcher's current treatment provider stated that Ms. Welcher was referred to a psychiatrist, but she failed to make an appointment.
4. On October 22, 2013, Ms. Welcher was convicted of petit larceny in the Montgomery County, Virginia, General District Court.
5. On her application for reinstatement of her certificate to practice as a nurse aide, Ms. Welcher answered "NO" to the question "Do you have a mental, physical, or chemical dependency condition which could interfere with your current ability to practice as a nurse aide?" when, in fact, Ms. Welcher had current diagnoses including substance abuse, depression, and anxiety.
6. Ms. Welcher testified that she answered that way because she believed at the time that her issues would not interfere with her ability to work.
7. Ms. Welcher testified that she completed 30 days of in-house treatment at New Life Recovery, Radford, Virginia in 2009. She testified that she failed to complete the program's 18 months of aftercare because she could not meet the requirements of traveling to Alcoholics Anonymous. She testified that she has struggled with addiction since she was 18 years old. She has not worked in a nurse aide related capacity since 2009. She could not provide a specific date of sobriety. She is not currently receiving any treatment or attending any support groups.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(1) and (5) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides.

ORDER


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

1. The application of Brandi Welcher for reinstatement of Certificate No. 1401-109661 to practice as a nurse aide in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing.

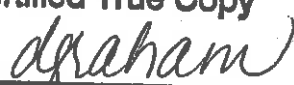
2. Pursuant to § 54.1-2408.2 of the Code, should Ms. Welcher seek reinstatement of her certificate, she shall be responsible for any fees that may be required for the reinstatement of her certificate privilege prior to issuance of her certificate to resume practice. The reinstatement of Ms. Welcher's certificate shall require the affirmative vote of three-fourths of the members at a meeting 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

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

April 8, 2015
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.