

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

AMENDED NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Brand Welcher, C.N.A., who, prior to its revocation by the Board of Nursing on November 18, 2009, held Certificate No. 1401-109661 to practice as a nurse aide in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on March 25, 2015, at 11:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Welcher will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Welcher has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Welcher desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. 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, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Welcher, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice as a nurse aide in Virginia.

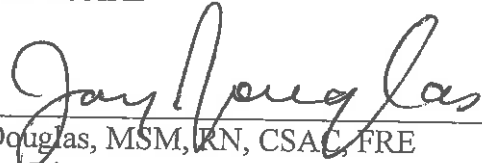
Pursuant to § 54.1-2408.2 of the Code, the reinstatement of Ms. Welcher's certificate requires the affirmative vote of three-fourths of the members of the Board.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Brandi Welcher, C.N.A., may have violated § 54.1-3007(6) of the Code in that she may be unsafe to practice as a nurse aide due to substance abuse, mental and physical illness. By her own admission, Ms. Welcher began abusing Lortab (C-II) and snorting cocaine in 2005. On or about 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.
2. Ms. Welcher may have violated § 54.1-3007(4) of the Code in that on or about October 22, 2013, she was convicted of petit larceny in the Montgomery County, Virginia, General District Court.
3. Ms. Welcher may have violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides in that on her application for reinstatement of her certificate to practice as a nurse aide, she 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 has current diagnoses including substance abuse, depression and anxiety.

FOR THE BOARD



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

ENTERED: February 24th, 2015