



# COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals  
Director

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Suite 300  
Richmond, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

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

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
FAX (804) 527-4455

## NOTICE OF INFORMAL CONFERENCE

September 22, 2009

Brandi G. Welcher, C.N.A.  
41301 Gynn Lane  
Elliston, Virginia 24087

**CERTIFIED MAIL**  
**7160 3901 9848 0163 6778**

**Re: VA Certificate No.: 1401-109661**  
**Expired: July 31, 2009**

Dear Ms. Welcher:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on October 19, 2009, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will inquire into allegations that you may have violated certain laws and regulations governing nurse aide practice in Virginia.

Specifically:

1. During the course of your employment with New River Dermatology, Blacksburg, Virginia, you may have violated § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-25-100(c) of the Regulations Governing Certified Nurse Aides in that, by your own admission:

a. On or about June 16, 2009, you stole prescribed Adderall (amphetamine) and Ritalin (methylphenidate), both Schedule II controlled substances, from the personal belongings of two co-workers, for your personal and unauthorized use.

b. You stole a blank prescription pad, forged a physician's signature and wrote unauthorized prescriptions for yourself. On or about June 19 and 28, 2009, you presented the prescriptions to a local pharmacy and obtained hydrocodone tablets, a Schedule III controlled substance.

c. On or about June 22, 2009, you stole a vial of diazepam, a Schedule IV controlled substance, containing 94 5mg tablets, from a locked desk drawer. By your own admission, you removed the unlocked desk drawer above to gain access to the locked drawer.

d. On or about June 30, 2009, you phoned in a fraudulent prescription for Lortab, a Schedule III controlled substance. You falsely indicated that you were an authorized agent for the practice calling in a prescription for "Brandi Welcher."

2. You may have violated § 54.1-3007(6) of the Code in that, as you acknowledged to an investigator for the Department of Health Professions, on or about July 13, 2009, you entered a residential treatment program for substance abuse treatment; however, you left the program one week later.

**The Board hereby offers to enter into the enclosed Consent Order with you in lieu of an informal conference in this matter. Please review this document, and should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your witnessed signature to the Board office on or before October 12, 2009. Upon its receipt in the Board office, the Consent Order will be entered, upon approval by the full Board, and the informal conference will be cancelled. You will receive a certified copy of the Consent Order, bearing the date of entry, shortly thereafter. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on October 12, 2009, the Board will proceed with the informal conference as scheduled.**

In its deliberations, the Committee may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Intervention Program ("HPIP"), which is available to all health care practitioners licensed in Virginia. A brochure about the HPIP is enclosed. Should you enter into a written agreement with the HPIP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;

- The Committee may reprimand you;
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, **by October 12, 2009**. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

Also enclosed are copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as the relevant laws and regulations governing the practice of nursing in Virginia.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brenda Krohn', with a stylized flourish at the end.

Brenda Krohn, R.N., M.S.  
Deputy Executive Director

BK/lrw  
Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions  
Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Special Conference Committee Members  
Tammie D. Jones, Adjudication Specialist  
Douglas K. Dressler, Senior Investigator (126714)  
Peggy Wood, Monitoring Program Coordinator