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Virginia Board of Nursing



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VA BD OF NURSING

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

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

February 2, 2015

Amy Nicole Branson
109 Sanders Avenue
Chihowie, VA 24319

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

RE: License No.: 0001-153615

DATE 2/2/15

Dear Ms. Branson:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered February 2, 2015. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Jaime H Hoyle
Jaime H. Hoyle, Esquire, Chief Deputy Director
Department of Health Professions

Enclosures
Case # 160772

VIRGINIA:..

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: AMY NICOLE BRANSON, R.N.
License No.: 0001-153615

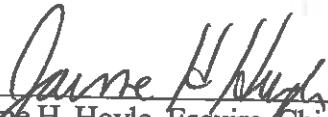
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that the privilege of Amy Nicole Branson, R.N., to practice nursing through the Nurse Licensure Compact in the State of Tennessee was revoked by an Order entered December 3, 2014. A certified copy of the Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Amy Nicole Branson, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Amy Nicole Branson, R.N., will be recorded as suspended and no longer current. Should Ms. Branson seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Jaime H. Hoyle, Esquire, Chief Deputy Director
Department of Health Professions

ENTERED: 2/2/2015



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

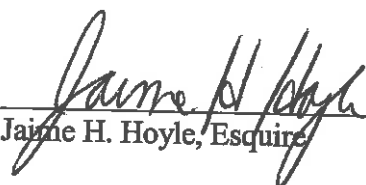
Department of Health Professions

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CERTIFICATION OF DUPLICATE RECORDS

I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Consent Order entered December 3, 2014, regarding Amy Nicole Branson, R.N., is a true copy of the records received from the Tennessee Board of Nursing.



Jaime H. Hoyle, Esquire

Date: 2/2/2015

BEFORE THE TENNESSEE BOARD OF NURSING

In The Matter of:

Amy Branson
V.A. R.N. License No. 1153615

Respondent

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)
)
)
)

2014 DEC -4 PM 3:51

Case No. 17.19-126896A SECRETARY OF STATE

ORDER

This matter came to be heard before the Tennessee Board of Nursing (Board) on the 3rd day of December, 2014, pursuant to a Notice of Hearing and Charges filed against the Respondent. Presiding at the hearing was the Honorable Anthony Adgent, Administrative Law Judge, assigned by the Secretary of State. The State was represented by Caroline R. Tippens, Assistant General Counsel. The Respondent was not present and not represented by counsel. Counsel for the State made a motion pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 4-5-309 to find the Respondent in default.

In support of its motion, the State introduced evidence that a Notice of Hearing and Charges had been served upon the Respondent at the address of record on file with the Division, via the United States Postal Service certified mail, and via the United States Postal Service, first class mail, however, the Respondent failed to appear. Further, the State introduced into evidence that on or about July 18, 2014, the State filed a Notice of Charges on the Respondent. At that time, the Respondent was represented by counsel, as such, the Notice of Charges were sent to her attorney of record and to her address on file with the Board. On or about August 1, 2014, the State filed several 4-5-413 with the Respondent's attorney and sent copies to Ms. Branson at her address of record. No response was received. On or about August 5, 2014, the Respondent's attorney withdrew. On or about August 11, 2014, a Witness & Exhibit list was mailed to Respondent at her address of record, 112 Frazier Lane, Chilhowie VA 24319. On or about



August 15, 2014, after a CLEAR search was run, several calls were made to her phone number of record. On or about August 18, 2014, an email from the Respondent was forwarded from the law offices of the Respondent's former attorney stating that the Respondent was aware of her trial date of August 20, 2014.

On or about August 19, 2014, the Respondent emailed Caroline Tippens directly from her email address of record: amynycole1975@gmail.com, and requested a continuance of August 20, 2014. On or about August 19, 2014, the Respondent was granted a continuance by Judge Summers, on the basis that she needed to retain new counsel and of her ill health. Judge Summers explicitly stated to her that she had more than enough time to retain counsel and no other continuances would be granted.

On or about October 29, 2014, the State sent the Respondent an email reminding her of her upcoming trial date on December 3, 2014. On or about November 3, 2014, the State sent another email to the Respondent again reminding her of her trial date. On or about November 4, 2014, the State sent Agreed Orders to the Respondent at her address of record with the Board, 112 Frazier Lane, Chilhowie, VA 24319 and to 33454 Bunker Hill Lane, Apt. C3, Glade Spring VA 24340, an address given to the State by her former attorney and from a CLEAR search.

On or about November 17, 2014, another CLEAR search was run, verifying no new information other than the addresses to which the State had already sent Agreed Orders. On or about November 17, 2014, the State submitted postal traces to the Postmasters of the Bunker Hill Lane Address in Glade Spring, VA and the Frazier Lane address in Chilhowie, VA. Emails were again sent by the State to the Respondent on November 19, November 24, December 1, 2014 to the Respondent reminding her of her hearing date. No response was ever received. On or about December 1, 2014, the Postal Traces were returned to the Office of General Counsel and verified that the Respondent's address of record was the Bunker Hill address, to which

communication had already been sent. The State also introduced into evidence the affidavit of Joyce Young, paralegal to Caroline Tippens, verifying all the attempts at service.

Having considered the evidence in this matter, the Administrative Judge advised the Board that service on the Respondent was legally sufficient. After consideration of the Notice of Hearing and Charges, testimony of witnesses, argument of counsel, and the record as a whole, the Board finds as follows:

FINDINGS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Virginia Board of Nursing as a registered nurse, having been granted license number 1153615 on June 13, 1997, which currently has an expiration date of April 30, 2015. Respondent's Virginia registered nurse license is active and bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.
2. On or about June 8, 2012, the Respondent's Virginia registered nursing license was reprimanded by the Virginia Board of Nursing for falsifying patient vital signs. The Respondent failed to report this out-of-state discipline to the Tennessee Board of Nursing.
3. On or about October 17, 2011 through November 27, 2012, the Respondent was employed as a registered nurse in the Intensive Care Unit at Holston Valley Medical Center in Kingsport, Tennessee, on the multistate privilege afforded to Respondent by her Virginia nursing license.
4. On or about November 23-24, 2012, the Respondent was observed to be impaired while on duty. The Respondent was then asked to perform a for cause urine drug screen (hereinafter "UDS").

5. On or about November 26, 2012, the Respondent's UDS was positive for benzodiazepines, methadone, and opiates.
6. On or about November 26, 2012, the Respondent resigned from Holston Valley Medical Center.

CONCLUSIONS OF LAW

The Board, having jurisdiction over this matter, finds the facts in this Order are sufficient to establish that the Respondent has violated the following provisions of TENN. CODE ANN. § 63-7-101, *et seq.* and the Official Compilation Rules and Regulations of the State of Tennessee for the Board of Nursing (TENN. COMP. R. & REGS.) 1000-01-.01, *et seq.*

7. Respondent's acts and conduct constitute violations of TENN. CODE ANN. § 63-7-115(a)(1):
 - (D) Is addicted to alcohol or drugs to the degree of interfering with nursing duties;
and
 - (F) Is guilty of unprofessional conduct.
8. Respondent's acts and conduct enumerated in paragraphs one (1) through six (6) constitute violations of Tenn. Comp. R. & Regs. 1000-01-.13(1):
 - (f) The use of any intoxicating beverage or the illegal use of any narcotic or dangerous drug while on duty in any healthcare facility, school, institution, or other work place location;
 - (g) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty in any health care facility, school, institution or other work place location; and
 - (w) Engaging in acts of dishonesty which relate to the practice of nursing.
9. The facts stipulated in paragraphs one (1) through six (6) constitute a violation of TENN. CODE ANN. § 63-7-302.

ARTICLE III - General Provisions and Jurisdiction.

- (b) Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.
- (c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

ARTICLE V - Adverse Actions.

- (c) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state.
- (d) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.
- (e) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.

REASONS FOR THE DECISION

It is the policy of the Board to enforce the Statutes and Rules. This nurse has been found guilty of unprofessional conduct. The discipline upon the licensee is appropriate to protect the health, welfare, and safety of the public.

THEREFORE, it is **ORDERED** as follows:

10. Respondent's privilege to practice nursing in the State of Tennessee is hereby **REVOKED**, beginning the effective date of this Order.
11. Respondent must **CEASE AND DESIST** the practice of nursing in the State of

Tennessee beginning the effective date of this Order.


12. Respondent is hereby assessed three (3) Type A Civil Penalties in the amount of one thousand dollars (\$1000.00) each, for a total of three thousand dollars (\$3000.00), in accordance with Tenn. Comp. R. & Regs. 1000-01-.04(6).
13. Respondent shall pay the costs of this action pursuant to Tenn. CODE ANN. §§ 63-7-115(d) and 63-1-144, and TENN. COMP. R. & REGS. 1000-01-.04(11). These costs will be established by an Assessment of Costs prepared by counsel for the Department. The Assessment of Costs shall not exceed five thousand dollars (\$5000.00) and shall be paid in full within twenty-four (24) months from the issuance of the Assessment of Costs.

NOTICE

14. This revocation of privilege and civil penalties are formal disciplinary actions and will be reported to the National Practitioner Data Bank (NPDB).
15. Civil penalties are hereby assessed pursuant to Tenn. Comp. R. & Regs. 1000-01-.04(6) and Tenn. Code Ann. § 63-1-134(c), which states in particular:
 - (1) Civil penalties assessed pursuant to this section are final, due and payable as of the date shown on the certificate of filing below.
 - (2) If the violator fails to pay an assessment when it becomes final, the department may apply to the appropriate court for a judgment and seek execution of such judgment.
16. Respondent may enter into an agreement with the Board for the payment of assessed civil penalties in installments that are due and payable beyond the date on which the assessment becomes final. Tenn. Code Ann. § 63-1-134(c). To set up a payment plan, contact the Disciplinary Coordinator by calling 615-253-2699.

17. All costs and civil penalty payments shall be paid in certified funds only (certified check, cashier's check, or money order) to the State of Tennessee, which shall be mailed or delivered to: Disciplinary Coordinator, Tennessee Department of Health, Office of Investigations, 665 Mainstream Drive, Second Floor, Nashville, Tennessee 37243.
18. A notation shall be placed on the instrument designating that it is payable for the costs and/or civil penalty of Amy Branson, Case No. 201300154.
19. A violation of this Order shall constitute a separate violation, pursuant to Tenn. Code Ann. § 63-7-115(a)(1)(G), and is grounds for further disciplinary action by the Board.

SO ORDERED this 3rd day of December, 2014, by the Tennessee Board of Nursing.



Chairperson/Acting Chairperson
Tennessee Board of Nursing


RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW

Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

PREPARED FOR ENTRY:


Caroline R. Tippens, BPR No/030375
Assistant General Counsel
Tennessee Department of Health
Office of General Counsel
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

CERTIFICATE OF FILING

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the _____ day of _____, 201__.

Richard Collier
Richard Collier, Director *WMC*
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document as entered has been served upon the Respondent, Amy R. Branson, 33454 Bunker Hill Lane, Apt. C3, Glade Spring, VA 24340, by delivering the same in the United States regular mail and United States certified mail, number 7014 1820 0002 0434 5667, return receipt requested, with sufficient postage thereon to reach its destination.

This 5th day of December, 2014.

Caroline R. Tippens
Caroline R. Tippens
Assistant General Counsel