

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BRANDEE M. HUDGINS, R.N.
License No.: 0001-207319

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on September 11, 2014, in Henrico County, Virginia. Brandee M. Hudgins, R.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Hudgins was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Brandee M. Hudgins, R.N., was issued License No. 0001-207319 to practice professional nursing in Virginia on June 20, 2007. The license is valid in Virginia only and is scheduled to expire on October 31, 2015. Her primary state of residence is Kansas.

2. By letter dated August 14, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Hudgins notifying her that an informal conference would be held on September 14, 2014. The Notice was sent by certified and first class mail to P. O. Box 38, Riverton, Kansas 66770, the address of record on file with the Board of Nursing. The certified mail was delivered on August 20, 2014. The first class mail was not returned to the Board office. The Agency Subordinate

concluded that adequate notice was provided to Ms. Hudgins and the informal conference proceeded in her absence.

3. By Order of the Board entered on February 5, 2013, the Board found that Ms. Hudgins diverted Percocet (oxycodone/APAP) and morphine (both Schedule II) and was impaired while on duty. The Board took no action against Ms. Hudgins contingent upon her continued compliance with the Health Practitioners' Monitoring Program ("HPMP"), which she had entered on October 8, 2012.

4. In January 2013, Ms. Hudgins reported to her case manager that she was moving to Kansas. On July 10, 2013, Ms. Hudgins' primary monitoring was switched to the Kansas Nurse Assistance Program ("KNAP"). On August 30, 2013, the KNAP reported that Ms. Hudgins tested positive for oxycodone and that she failed to provide medical documentation. In September 2013, Ms. Hudgins was dismissed from the KNAP and the Kansas Board of Nursing denied her application for licensure by endorsement. The KNAP required Ms. Hudgins to re-start its three-year program, obtain an assessment and enter residential treatment; however, she failed to enter a new contract and reported that she could not commit to entering residential treatment. As a result, on January 27, 2014, Ms. Hudgins was dismissed from the HPMP.

5. Ms. Hudgins failed to respond to requests for an interview from the Department of Health Professions investigator.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 2 of the Order of the Board entered February 5, 2013.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Brandee M. Hudgins, R.N., is hereby REPRIMANDED.

2. License No. 0001-207319 of Brandee M. Hudgins, R.N., is INDEFINITELY SUSPENDED.

3. The license will be recorded as suspended and no longer current.

4. At such time as Ms. Hudgins shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Hudgins shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

5. This suspension applies to any multistate privilege to practice professional nursing.

Pursuant to § 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.

Since Ms. Hudgins failed to appear at the informal conference, this Order shall be considered final. Ms. Hudgins has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Hudgins has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

Gloria Mitchell
for Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: December 4, 2014

Certified True Copy

By U. Robinson-Flowers
Virginia Board of Nursing