

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BRANDY DUNCAN, L.P.N.
License No.: 0002-075326

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 April 22, 2014, in Henrico County, Virginia. Brandy Duncan, L.P.N., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Duncan 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. Brandy Duncan, L.P.N. was issued License No. 0002-075326 to practice practical nursing in Virginia on February 20, 2007. The license is scheduled to expire on May 31, 2015. Ms. Duncan's primary state of residence is Virginia.

2. By letter dated March 31, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Duncan notifying her that an informal conference would be held on April 22, 2014. The Notice was sent by certified and first class mail to 289 Cemetery Road, Chase City, Virginia 23924, the address of record on file with the Board of Nursing. The Notice sent by certified mail was signed for by Renee Duncan on April 1, 2014. As of April 22, 2014, the Notice sent by first class

mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Duncan and the informal conference proceeded in her absence.

3. On October 1, 2012, the Board entered an Order against Ms. Duncan (“Board’s Order”) based on findings that she diverted injectable morphine (Schedule II), Dilaudid (hydromorphone, Schedule II), and Benadryl by using her Pyxis passcode and that of another nurse. Ms. Duncan signed a Participation Contract with the Health Practitioners’ Monitoring Program on February 20, 2012, and two Recovery Monitoring Contracts, with the last one signed on August 9, 2013.

4. Term No. 1 of the Board’s Order took no action against Ms. Duncan contingent on her compliance with all the terms and conditions specified by her contract with the Health Practitioners’ Monitoring Program (“HPMP”).

5. On September 20, 2013, Ms. Duncan was dismissed from the HPMP for noncompliance. She failed to contact her case manager for the months of January, February and March 2013, she tested positive for alcohol on April 23, 2012, she missed calling the test line on October 8, 2012, April 19, 2013, and August 12, 2013, she missed a screen on April 19, 2013, and she submitted diluted screens on April 16, 2012 and June 12, 2012.

6. Ms. Duncan failed to comply with a request for an interview from the investigator for the Department of Health Professions. Further, she failed to return calls from her HPMP case manager.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of Term No. 2 of the Board’s Order entered October 1, 2012.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-075326 of Brandy Duncan to practice practical nursing is

INDEFINITELY SUSPENDED.

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

3. At such time as Ms. Duncan 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 practical nursing. Ms. Duncan 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.

4. This suspension applies to any multistate privilege to practice practical nursing.

5. Ms. Duncan is hereby REPRIMANDED.

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. Duncan failed to appear at the informal conference, this Order shall be considered final. Ms. Duncan 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. Duncan has 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: *July 20, 2014*