

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

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

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Brandy Duncan, L.P.N., as evidenced by his signature hereto, enter into the following Consent Order affecting Ms. Duncan's license to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Brandy Duncan, L.P.N., was issued License No. 0002-075326 to practice practical nursing by the Virginia Board of Nursing on February 20, 2007. Said license is set to expire on May 31, 2013. Her primary state of residence is Virginia.
2. During the course of her employment at Community Memorial Health Center, South Hill, Virginia, from November, 2011, to February, 2012, Ms. Duncan diverted injectable morphine (Schedule II), Dilaudid (hydromorphone, Schedule II), and Benadryl for her personal and unauthorized use. Ms. Duncan accomplished the diversion by accessing the Pyxis machines with her passcode or the passcode of another nurse.
3. On February 17, 2012, Community Memorial Health Center terminated Ms. Duncan's employment.
4. On February 20, 2012, Ms. Duncan signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in which she admitted that she suffers from chemical abuse issues.

5. On April 23, 2012, Ms. Duncan submitted a drug screen that tested positive for alcohol. When informed by her HPMP case manager of the positive screen, Ms. Duncan denied using alcohol.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Findings of Fact Nos. 4 and 5 constitute a violation of § 54.1-3007(6) of the Code.

CONSENT

Brandy Duncan, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time contingent upon Ms. Duncan's continued compliance with the terms and conditions specified by the Health Practitioners' Monitoring Program.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Duncan, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Duncan shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Duncan is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against Ms. Duncan involving a violation of law or regulation or any term or condition of this Order; or
 - c. Ms. Duncan has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Duncan's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Duncan's appearance before the Board and conduct an administrative review of this matter.
3. This Order is applicable to Ms. Duncan's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Duncan shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Duncan wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Duncan shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 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 public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

Jay P. Douglas
Jay P. Douglas, L.P.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: October 1ST, 2012

SEEN AND AGREED TO:

Brandy Duncan, L.P.N.
Brandy Duncan, L.P.N.

Certified True Copy

By [Signature]
Virginia Board of Nursing

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Norfolk, TO WIT:

Subscribed and sworn to before me, Katherine A. Keel, a Notary Public, this 21st day of Sept., 2012.

My commission expires 4-30 2016.

Registration Number 229469.

Katherine A. Keel
Notary Public 229469
Commonwealth of Virginia
My Commission Expires 04-30-2016

Katherine A. Keel
NOTARY PUBLIC