

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

BRANDI BELLO, R.N.

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 October 28, 2009, in Henrico County, Virginia. Brandi Bello, R.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2010, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Bello 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. Brandi Bello, R.N., was issued License No. 0001-203713 to practice as a professional nurse in Virginia on September 14, 2006. The license is current and will expire on May 31, 2011.
2. By letter dated September 25, 2009, the Board sent a Notice of Informal Conference ("Notice") to Ms. Bello notifying her that an Informal Conference would be held on October 28, 2009. The Notice was sent by certified and first class mail to 600 Pleasant Hall Drive, Virginia Beach, Virginia 23464, the address of record on file with the Board, and 1684 Lord Tennyson Arch, Virginia Beach, Virginia 23462, a secondary address.
3. From October 2008, through April 2009, in the course of her employment at Sentara Leigh Hospital, Virginia Beach, Virginia, Ms. Bello, by her own admission, falsified medication orders for Dilaudid (hydromorphone, Schedule II), Vicodin (hydrocodone/acetaminophen – Schedule III), and Percocet (oxycodone/acetaminophen, Schedule II) using the names of numerous patients, removed medications from the PYXIS machine, cancelled the false medication orders, and diverted the removed medications for her personal

and unauthorized use. Sentara Leigh Hospital terminated Ms. Bello's employment on April 17, 2009, for drug diversion. At the informal conference, Ms. Bello admitted that during her last month of employment, she injected the diverted medications while at work.

4. Ms. Bello acknowledged that she was unsafe to practice nursing due to chemical abuse and chemical dependence. Ms. Bello enrolled into the Virginia Health Practitioners' Monitoring Program ("HPMP") (formerly the Virginia Health Practitioners' Intervention Program) executing a Participation Contract on April 22, 2009, and entering into a Recovery Monitoring Contract on May 27, 2009.

5. At the informal conference, Ms. Bello stated that incidences of abuse when she was a child led her to abuse controlled substances as an adult. Ms. Bello stated that she is currently surrounded by a strong support system. Ms. Bello reports a sobriety date of April 15, 2009. Ms. Bello attends five support group meetings per week including Alcoholics Anonymous, Narcotics Anonymous, and Caduceus.

6. Ms. Bello's Narcotics Anonymous sponsor appeared at the informal conference, spoke on Ms. Bello's behalf and verified that Ms. Bello is ready to begin step five of her Narcotics Anonymous twelve step recovery program. Her counselor, Sherry Sigafos, from Lake View Psychotherapy, submitted a report to the Board of Nursing indicating she feels Ms. Bello is safe to resume the practice of nursing.

7. Ms. Bello's HPMP case manager submitted a compliance report dated September 22, 2009, which stated that Ms. Bello was in full compliance with the terms and conditions of her Recovery Monitoring Contract. The report also stated that, since enrolling in the HPMP, Ms. Bello had been subjected to random urine drug screens; and that all drug screens taken by Ms. Bello were negative. HPMP authorized Ms. Bello to seek employment as a health professional beginning on September 4, 2009. At the informal conference, Ms. Bello stated that she had been offered employment at a DaVita Dialysis Center in Virginia Beach, Virginia.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of §54.1-3007(2), (5), and (6) of the Code 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 (“Regulations”).
2. Finding of Fact #4 constitutes a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION contingent on the following conditions:
 - a. Ms. Bello shall comply with all terms and conditions for the period specified by the HPMP.
 - b. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Bello, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Bello shall be noticed to appear before the Board at such time as the Board is notified that:
 1. Ms. Bello is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 2. There is a pending investigation or unresolved allegation against Ms. Bello involving a violation of law or regulation or any term or condition of this Order; or
 3. Ms. Bello has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Bello’s participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Bello’s appearance before the Board and conduct an administrative review of this matter.
2. This Order is applicable to Ms. Bello’s multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Bello shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written

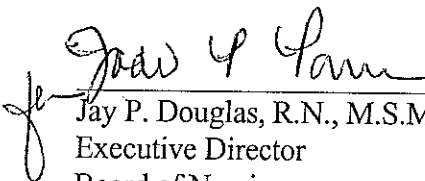
permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Bello wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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

This Order is subject to appeal to the Board. If Ms. Bello desires a formal administrative hearing before the Board pursuant to §§2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD


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

Entered: February 5, 2010

Certified True Copy

By 
Virginia Board of Nursing