

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: BRANDI WATERS, C.N.A.
 Certificate No.: 1401-098678**

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 Virginia Board of Nursing ("Board") on October 29, 2013, in Henrico County, Virginia. Ms. Waters 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 January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Waters 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 Waters, C.N.A., was issued Certificate No. 1401-098678 to practice as a nurse aide in Virginia on June 21, 2003. The certificate is scheduled to expire on June 30, 2014.
2. By letter dated October 2, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Waters notifying her that an informal conference would be held on October 29, 2013. The Notice was sent by certified and first class mail to 3566 U.S. Highway 340, Stanley, Virginia 22851, the address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board's office. The Notice sent by first class mail was not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Waters and

the informal conference proceeded in her absence.

3. During the course of her employment with Lynn Care Center, Front Royal, Virginia, on February 12, 2013:

a. Ms. Waters spoke rudely to Resident A by mocking her regarding where she was from.

b. Ms. Waters spoke rudely to a resident by saying that she “did not like the resident at all.”

c. Ms. Waters described a resident’s feet and teeth as “f’d up” while putting on the resident’s stockings.

d. While Ms. Waters in a shower room with a resident, she referred to the resident’s genitals as a “dirty monkey.”

e. Ms. Waters threw soiled gloves and wipes on the carpet in a resident’s room. Moreover, after she cleaned feces off a resident with a towel and threw the towel in a dirty linen bag, she reused the towel when she noticed there were more feces on the resident and the resident’s chair.

4. The above incidents were observed by two nurse aide students. Lynn Care Center hired Ms. Waters in May 2012. Ms. Waters resigned in lieu of termination from Lynn Care Center as a result of the above incidents in February 2013. Ms. Waters was previously employed at Avante of Harrisonburg, Harrisonburg, Virginia from May 2010 to January 2011. She was also employed at Harrisonburg Health and Rehabilitation Center, Harrisonburg, Virginia, from November 2009 to May 2010. Ms. Waters reported to a Department of Health Professions investigator on May 20, 2013, that she is currently employed at Continuing Care, Harrisonburg, Virginia, where she has been employed since November 2009.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Abuse pursuant to 42 CFR §483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Certificate No. 1401-098678 of Brandi Waters, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Waters in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Waters’ employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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. Waters failed to appear at the informal conference, this Order shall be considered final. Ms. Waters 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. Waters 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


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

Entered: Feb. 6, 2014

Certified True Copy

By 
Virginia Board Of Nursing