

VIRGINIA

BEFORE THE BOARD OF NURSING

IN RE: BRENDA DULANEY, R.M.A. APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended, ("Code"), an informal conference was held before an Agency Subordinate of the Board of Nursing on August 14, 2013, in Henrico County, Virginia, to receive and act upon the application of Brenda Dulaney for registration by examination as a medication aide in the Commonwealth of Virginia and to inquire into evidence that she may have violated certain laws and regulations governing medication aide practice in Virginia. Ms. Dulaney was present and was not represented by legal counsel.

Upon consideration of the evidence presented, the Agency Subordinate adopted the following Findings of Facts and Conclusions of Law.

FINDINGS OF FACT

1. By application received on April 15, 2013, Brenda Dulaney submitted an application for registration by examination as a medication aide in the Commonwealth of Virginia. Ms. Dulaney was issued Certificate No. 1401-121181 to practice as a nurse aide in the Commonwealth of Virginia on October 3, 2007. Said certificate was mandatorily suspended by the Department of the Health Professions pursuant to § 54.1-2409 on June 6, 2013.

2. By letter dated July 15, 2013, the Board sent a Notice of Informal Conference to Ms. Dulaney notifying her that an informal conference would be held on August 14, 2013. The notice was sent by certified and first class mail to 135 Park Boulevard, Staunton, Virginia 24401, the address of record on file with the Board.

file with the Board.

3. On June 6, 2013, Ms. Dulaney's certificate to practice as a nurse aide was mandatorily suspended by the Department of the Health Professions pursuant to § 54.1-2409 of the Code based on the felony conviction in Finding of Fact No. 5, below.

4. On December 2, 2011, Ms. Dulaney was convicted in the Augusta County, Virginia, Circuit Court, of credit card fraud of less than \$600.00 in six months, a misdemeanor involving moral turpitude.

5. On October 18, 2011, Ms. Dulaney was convicted in the Waynesboro, Virginia, Circuit Court, of obtaining a credit card number by larceny, a felony.

6. At the informal conference, Ms. Dulaney presented in a forthright and honest manner and took full responsibility for the actions that led to her convictions. Ms. Dulaney stated that the convictions in Findings of Fact Nos. 4 and 5 involve the same incident. She further stated that she used a total of \$176.00 from the credit card for family necessities.

7. Ms. Dulaney is currently employed at Rosewood Village Assisted Living Facility, Charlottesville, Virginia. In addition, Ms. Dulaney volunteers at the facility to help clients during extracurricular activities. Ms. Dulaney stated that her employer knew that she was attending the informal conference. Finally, Ms. Dulaney's probation officer wrote a letter on her behalf dated April 25, 2013, in which the probation officer stated that Ms. Dulaney's "adjustment to supervision has been positive and she is a role model for all probationers." The probation officer further stated that Ms. Dulaney has fully paid her court costs and restitution.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-60-120(2)(g) of the Regulations Governing the Registration of Medication Aides.

3. Ms. Dulaney otherwise meets the requirements of § 54.1-3042 of the Code.

ORDER


WHEREFORE, it is hereby ORDERED as follows:

1. The application of Brenda Dulaney for registration by examination as a medication aide is APPROVED. Upon successful completion of the Medication Aide examination, Ms. Dulaney shall be issued a registration to practice as a medication aide in the Commonwealth.
2. Ms. Dulaney shall maintain a course of conduct in her capacity as a medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Registration of Medication Aides.

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 on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Dulaney may, not later than 5:00 p.m., on September 30, 2013, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

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: August 27, 2013

Certified True Copy

By 
Virginia Board of Nursing

This Order shall become final on September 30, 2013 unless a request for a formal administrative hearing is received as described above.