

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BRANDY FOREMAN, C.N.A.
Certificate No.: 1401-104541

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 23, 2013, in Henrico County, Virginia. Brandy Foreman, C.N.A., was present and was not represented by legal counsel. Nancy Durrett, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Foreman 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 Foreman, C.N.A., was issued Certificate No. 1401-104541 to practice as a nurse aide in Virginia on July 16, 2004. The certificate is scheduled to expire on July 31, 2013.
2. By letter dated March 27, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Foreman notifying her that an informal conference would be held on April 23, 2013. The Notice was sent by certified and first class mail to 405 Florida Avenue, Portsmouth, Virginia, 23707, the address of record on file with the Board of Nursing.
3. During the course of her employment at Envoy of Thornton Hall, Norfolk, Virginia, on August 21, 2012, Ms. Foreman transported Resident A, an alert but disoriented 89-year-old resident, in

a wheelchair without footrests. She stated at the informal conference that she asked the resident to lift his legs while she was pushing his wheelchair. When the resident put his feet down while the chair was in motion, he fell and sustained serious injuries.

4. Ms. Foreman's employment with Envoy of Thornton Hall was terminated as a result of the incident with Resident A. Her previous employments with Harbor Point, Norfolk, Virginia, and Autumn Care, Portsmouth, Virginia were also terminated.

5. Ms. Foreman stated to an investigator for the Department of Health Professions that she has a diagnosis of bipolar disorder for which she had not received any treatment. At the informal conference, she presented evidence that she has been in treatment for this disorder since 2009 and also stated she is currently taking Abilify daily.

6. Ms. Foreman stated at the informal conference that she has been employed with Best and Dependable Home Health since September 2012 and is providing care to one client.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.

ORDER


WHEREFORE, it is hereby ORDERED as follows:

1. Brandy Foreman, C.N.A., is hereby REPRIMANDED.
2. Ms. Foreman shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Foreman may, not later than 5:00 p.m., on **August 26, 2013**, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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:

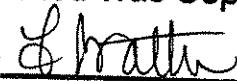


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

ENTERED: July 22nd, 2013

This Order shall become final on August 26, 2013; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board Of Nursing