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VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
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Henrico, Virginia 23233-1463

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TEL (804) 367-4400
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June 6, 2013

Brenda Marie Dulaney
135 Park Boulevard
Staunton, VA 24401

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

RE: Certificate No.: 1401-121181

DATE 6/6/13

Dear Ms. Dulaney:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your certification to practice as a certified nurse aide in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered June 6, 2013. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your certificate to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your certificate, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your certificate shall require the affirmative vote of three-fourths of the members of the Board of Nursing present at the hearing.

Should you wish to petition the Board of Nursing for reinstatement of your certificate, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4639.

Sincerely,

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

Enclosures
Case #151028

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: BRENDA MARIE DULANEY, C.N.A.
Certificate No.: 1401-121181

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that Brenda Marie Dulaney, C.N.A., was convicted of a felony charge in the Circuit Court of the City of Waynesboro for the Commonwealth of Virginia, to wit: One (1) Count of Credit Card Theft. A certified copy of the Conviction and Sentencing Order is attached to this Order and marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the certificate of Brenda Marie Dulaney, C.N.A., to practice as a certified nurse aide in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the certificate of Brenda Marie Dulaney, C.N.A., will be recorded as suspended. Should Ms. Dulaney seek reinstatement of her certificate pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her certificate prior to issuance of her certificate to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

Certified True Copy

By 
Virginia Board of Nursing

ENTERED: _____

6-6-13



COMMONWEALTH of VIRGINIA

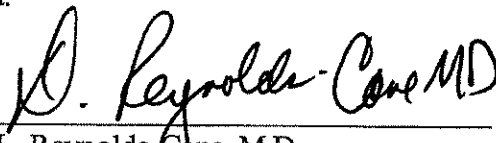
Dianne L. Reynolds-Cane, M.D.
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CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Conviction and Sentencing Order entered October 28, 2011, regarding Brenda Marie Dulaney, C.N.A., are true copies of the records received from the Circuit Court of the City of Waynesboro for the Commonwealth of Virginia.



Dianne L. Reynolds-Cane, M.D.

Date: 6-6-13

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF WAYNESBORO

CONVICTION AND SENTENCING ORDER

Hearing Date: October 18, 2011

FIPS CODE #820

Judge: The Honorable Humes J. Franklin, Jr.

Commonwealth of Virginia

v.

Case Number: CR11000173

Brenda Marie Dulaney

OFFENSE DESCRIPTION:

Credit Card Theft – FELONY

OFFENSE DATE:

April 28, 2011

VA CODE SECTION:

18.2-192

VA CRIME CODE:

FRD-2360-F9

This 18th day of October, 2011 came James L. Camblos, III, the Assistant Commonwealth's Attorney, and Brenda Marie Dulaney, who stands indicted of a felony, to-wit: feloniously obtain or withhold the credit card or credit card number from the person, possession, custody or control of another without the cardholder's consent, appeared according to the condition of her recognizance, and came also Charles E. Garner, the Assistant Public Defender, counsel for the accused.

Whereupon the accused was duly arraigned and after private consultation with and being advised by her said counsel, pleaded "guilty" to the indictment, which plea was tendered by the accused in person, and the Court having made inquiry and being of the opinion that the accused fully understood the nature and effect of her plea and of the penalties that may be imposed upon her conviction and of the waiver of trial by jury and of appeal, finds the plea was voluntarily and intelligently made. And the Court having been advised by the defendant, her counsel, and the Attorney for the Commonwealth that there has been a plea agreement in this case, and such agreement in writing having been presented to the Court, and now filed herein, and the evidence of the Commonwealth having been stipulated, the Court accepts said agreement and the plea of guilty of the defendant and finds the defendant GUILTY of credit card or credit number theft, as charged in the indictment.

The Court doth hereby Order the applicable discretionary sentencing guidelines and the guidelines worksheets filed as a part of the record in this case.

And it being demanded of the defendant if anything for herself she had or knew to say why judgment should not be pronounced against her according to law, and nothing being offered or alleged in delay of judgment, it is accordingly the judgment of this Court that the defendant be and she is hereby SENTENCED to incarceration with the



Virginia Department of Corrections for a period of two (2) years in accordance with the aforementioned plea agreement, and that the Commonwealth of Virginia do recover against the said defendant its costs by it about its prosecution in this behalf expended.

And in accordance with the plea agreement, the Court doth suspend the execution of all but five (5) days of the aforesaid sentence for and during a period of two (2) years from the date of her release from jail on the following conditions:

1. that she keep the peace and be of good behavior;
2. that she be and is hereby placed on probation under the supervision of the Probation Officer of this Court, and that she comply with all rules of probation;
3. that she pay restitution in the amount of \$169.03; and
4. that she pay the court costs assessed against her herein.

After pronouncing sentence, the Court advised the defendant of her right to petition for an appeal and her right to proceed in forma pauperis and to have the assistance of court-appointed counsel.

The Court orders that the defendant be allowed credit for the time spent in jail awaiting trial.

The Court certifies that at all times during the trial of this case the defendant was personally present and her attorney, the Assistant Public Defender, was likewise personally present and capably represented the defendant for which services the sum of \$445.00 is hereby taxed as a part of the costs in this prosecution.

In addition, the defendant is Ordered to provide a sample of saliva for DNA analysis to be sent to the Department of Forensic Science within 15 days after withdrawal pursuant to Va Code §§19.2-310.2 and 19.2-310.3, unless a sample was previously taken, and is further Ordered to cooperate fully and promptly in providing information and permitting fingerprinting and/or sampling of saliva as required by this Order.

Upon consideration of the defendant's petition for deferred payment of court costs pursuant to Virginia Code Section 19.2-354, said petition is accepted, and the defendant is ORDERED to pay all court costs in full by October 18, 2013, at which time failure to pay the said costs in full shall result in the suspension of the defendant's driver's license effective that date pursuant to Virginia Code Section 46.2-395.

In accordance with the plea agreement, the defendant is ORDERED to serve the aforesaid sentence on successive weekends from 8:00 p.m. Fridays until 8:00 p.m. Sundays, and is allowed to report on Friday, October 21, 2011 at 8:00 p.m. to commence serving the aforesaid sentence.

And the bond of the defendant is continued to the aforesaid date.

ENTER: _____

JUDGE

DATE: _____

10 | 28 | 11

DEFENDANT IDENTIFICATION:

SSN: XXX - XX - 9398

DOB: 12/22/1986

SEX: FEMALE

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: TWO (2) YEARS

TOTAL SENTENCE SUSPENDED: ALL BUT FIVE (5) DAYS

A TRUE AND CORRECT COPY

TESTE: _____

[Signature]

CLERK

CIRCUIT COURT
CITY OF WAYNESBORO