

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           BRANDY PLUMMER, C.N.A.  
                  Certificate No.: 1401-123755**

**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 March 26, 2013, in Henrico County, Virginia. Brandy Plummer, C.N.A., was not present nor was she represented by legal counsel. Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Plummer 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 Plummer, C.N.A., was issued Certificate No. 1401-123755 to practice as a nurse aide in Virginia on April 18, 2008. The certificate is scheduled to expire on April 30, 2013.
2. By letter dated February 15, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Plummer notifying her that an informal conference would be held on March 26, 2013. The Notice was sent by certified and first class mail to 4562 Greenwood Drive, Portsmouth, Virginia 23707, the address of record on file with the Board of Nursing. The certified mail was returned to the Board office marked "unable to forward;" the first class mail was not returned. The Agency Subordinate concluded that adequate notice was provided to Ms. Plummer and the informal conference proceeded in her absence.

3. During the course of her employment with ATC Healthcare Agency, while on assignment at St. Francis Nursing Center, Newport News, Virginia, on May 18, 2012, Ms. Plummer made inappropriate comments to Resident A, who is diagnosed with dementia, while another staff member was catheterizing her. Specifically, by her own admission in her written statement, Ms. Plummer referenced Resident A's vaginal area as a "cookie jar". As a result of this incident, St. Francis Nursing Center requested that Ms. Plummer not return to that facility.

4. When interviewed by the Department of Health Professions Investigator, Ms. Plummer stated she used this other terminology in an effort to calm the resident and did not intend anything inappropriate.

5. No current employment was available.

#### **CONCLUSIONS OF LAW**

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

#### **ORDER**

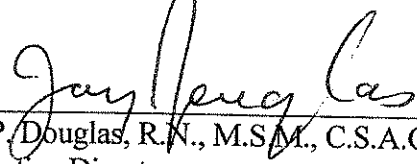
WHEREFORE, it is hereby ORDERED as follows:

1. Brandy Plummer, C.N.A., is hereby REPRIMANDED.
2. Ms. Plummer 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 Regulations Governing Certified Nurse Aides.

Since Ms. Plummer failed to appear at the informal conference, this Order shall be considered final. Ms. Plummer 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. Plummer 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, R.N., M.S.M.,

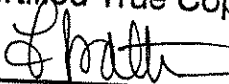
C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

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

Entered: May 31<sup>ST</sup> 2013

Certified True Copy

By   
\_\_\_\_\_  
Virginia Board Of Nursing