

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       BRANDY D. FIDDEMON, C.N.A.**  
**License No.: 1401-107623**

**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 August 9, 2007, in Henrico County, Virginia. Ms. Fiddemon was present and was not represented by legal counsel. Nancy K. Durrett, R.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 19, 2007, the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Fiddemon 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 D. Fiddemon, C.N.A., was issued certificate number 1401-107623 to practice as a certified nurse aide in Virginia on February 24, 2005. Said certificate is set to expire on February 28, 2009.
  
2.       By letter dated July 12, 2007, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Fiddemon notifying her that an informal conference would be held on August 9, 2007. The Notice was sent by certified and first class mail to 20205 Metompkin Road, Parkesely, Virginia 23421, the address of record on file with the Board of Nursing.
  
3.       On March 10, 2005, during the course of her employment with Arcadia Nursing and

Rehabilitation Center, Nelsonia, Virginia, Ms. Fiddemon was rough while providing patient care to Resident A, who had recently had a total knee replacement. As a result, her employment was terminated.

4. On November 24, 2006, during the course of her employment with Caring Touch Health Services, LLC, Belle Haven, Virginia, Client A reported that Ms. Fiddemon spit in her glass of water and took numbers off of her pill bottles. Moreover, this client, as well as another client, reported being afraid of Ms. Fiddemon and stated that they no longer wanted her in their home.

5. On April 20, 2005, during the course of her employment with the Hermitage on the Eastern Shore (the "Hermitage"), Onancock, Virginia, Ms. Fiddemon received a counseling for failing to provide incontinent care to her assigned residents in a timely manner, and failing to provide quality care, including failing to put a resident in the proper position for eating, leaving wet pads, linen and towels in residents' rooms, and attempting to put wet linen back on a resident's bed.

6. On April 29, 2005, during the course of her employment with the Hermitage, Ms. Fiddemon received a counseling for failing to provide incontinent care to two residents in a timely manner. The residents were found soaked in urine, and one of the residents also had urine on the floor. Ms. Fiddemon was subsequently terminated on June 6, 2005, for lower than standard work performance.

7. On her application for employment with the Hermitage dated March 16, 2005, Ms. Fiddemon failed to list her prior employment with and subsequent termination from Arcadia Nursing and Rehabilitation Center.

8. Ms. Fiddemon denied the allegations of abuse and neglect.

**CONCLUSIONS OF LAW**

The Board concludes that:

1. Findings of Fact #3, #4, #5 and #6 constitute violations of § 54.1-3007(2), (3), (5) and (8) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 90-25-100(2)(e) of the Board of Nursing Regulations.
2. Finding of Fact #7 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Board of Nursing Regulations.
3. Findings of Fact #3 and #4, and Conclusion of Law #1 constitute findings of Abuse pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.
4. Findings of Fact #5 and #6, and Conclusion of Law #1 constitute findings of Neglect pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

**ORDER**

WHEREFORE, having considered and adopted the recommended Findings of Fact and Conclusions of Law, it is hereby ORDERED that:

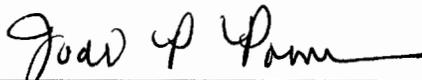
1. Certificate No. 1401-107623 of Brandy D. Fiddemon is hereby REVOKED.
2. The certificate will be recorded as REVOKED and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Fiddemon in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Fiddemon's 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).
4. A Finding of Neglect shall be ENTERED against Ms. Fiddemon 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. Fiddemon's 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).

This Order is subject to appeal to the Board. If Ms. Fiddemon desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

Pursuant to Section 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.

FOR THE BOARD

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

Entered: October 1, 2007

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Brandy D. Fiddemon, C.N.A., 20205 Metompkin Road, Parksely, Virginia 23421, the address of record on file with the Board of Nursing.

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

October 1, 2007  
DATE

**Certified True Copy**  
By Ronald 10/1/07  
**Virginia Board of Nursing**