

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: VICTORIA RUTH HORN BROWNING, L.P.N.
REINSTATEMENT APPLICANT
LicenseNumber: 0002-082582
Case Number: 172597**

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on May 18, 2016, in Henrico County, Virginia, to receive and act upon Ms. Browning’s application for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia.

Victoria Ruth Horn Browning, L.P.N. Reinstatement Applicant appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated May 6, 2016, the Board of Nursing sent a Notice of Formal Hearing (“Notice”) to Ms. Browning notifying her that a formal administrative hearing would be held on May 18, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On June 8, 2010, the Board of Nursing issued License Number 0002-082582 to Victoria Ruth Horn Browning, L.P.N. Reinstatement Applicant to practice practical nursing in the

Commonwealth of Virginia. Said license was mandatorily suspended by Order of the Department of Health Professions entered on April 11, 2014. Her primary state of residence is Virginia.

2. On March 7, 2016, Ms. Browning submitted an application for reinstatement of her license to practice practical nursing to the Board.

3. On March 20, 2014, Ms. Browning was convicted of two counts of possession of Schedule I/II controlled substances and one count of conspiracy to manufacture Schedule I/II controlled substances, all felonies, in the Circuit Court of Washington County, Virginia. This conviction formed the basis for the mandatory suspension of her Virginia license by the Department of Health Professions.

4. Ms. Browning testified that she will complete probation in December 2016 and that she is continuing to pay the remaining court fines.

5. Ms. Browning testified that she is not in treatment for substance abuse and does not believe she has a substance abuse problem. Ms. Browning did, however, admit to using methamphetamine prior to her arrest. Ms. Browning presented the Board with urine drug screens required by the Virginia Department of Corrections from July 6, 2014 through April 11, 2016, all of which were negative.

6. Ms. Browning testified that she is currently employed as an assistant at a Suboxone clinic.

7. Ms. Browning provided the Board with evidence that she completed 15 credits of continuing education in January 2016.

8. Ms. Browning took responsibility for the actions that led to her arrest, conviction and the mandatory suspension of her license

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(4).
2. Ms. Browning has demonstrated that she is safe and competent to return to the practice of practical nursing.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Victoria Ruth Horn Browning, is REPRIMANDED.
2. By affirmative vote of at least three-fourths of the members of the Board at the proceeding, effective upon entry of this Order, the license issued to Victoria Ruth Horn Browning, L.P.N. to practice practical nursing in the Commonwealth of Virginia is REINSTATED and Ms. Browning shall be placed on PROBATION subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Browning has completed her court-ordered probation. The license of Ms. Browning shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, Virginia Code § 2.2-4000 et seq. and Virginia Code § 54.1-2400.9 et seq.
 - b. Ms. Browning shall have an evaluation by a chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 90 days from the date this Order is entered. Ms. Browning shall comply with any recommendations of the specialist. If therapy is

recommended, written progress reports by the therapist shall be sent to the Board until Ms. Browning is discharged from therapy. Ms. Browning shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

c. The Board shall issue a licensed practical nurse license marked “Valid in Virginia Only, Probation with Terms.”

d. Ms. Browning shall request her court-appointed probation officer to provide the Board with a written report describing how she is meeting the conditions of her probation within 60 days from the date this Order is entered.

e. Ms. Browning shall provide the Board with a certified true copy of her final court order placed on record by the Court upon completion of her probation.

f. Ms. Browning shall provide her current and each future supervisor at each practice location or assignment immediately upon employment with a copy of this Order in its entirety.

g. Performance Evaluations shall be provided to the Board, at the direction of Ms. Browning, by all practice employer(s), using the forms provided by Compliance and available on the Board’s website.

h. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. Many of the required report forms are available on the Board’s website for your convenience.

i. Ms. Browning shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Browning shall provide a contact name, address, and phone number for each practice employer to the Board.

j. Ms. Browning shall inform all current and future practice employers that the Board has placed her on probation and Ms. Browning shall provide each practice employer with a complete copy of this Order. If Ms. Browning is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

k. Ms. Browning shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and/or any consultants designated by the Board, if applicable.

l. Ms. Browning shall submit “Self-Reports” which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports must be submitted whether Ms. Browning has current practice employment or not.

3. Ms. Browning shall conduct herself as a licensed practical nurse in compliance with the requirements of the laws and regulations governing the practice of nursing.

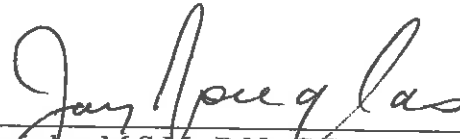
4. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Browning, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

5. This Order is applicable to Ms. Browning’s multistate nursing licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Browning shall not practice outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the express written permission of both the Virginia Board of Nursing and the Board of

Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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



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

ENTERED AND MAILED ON:

July 6th, 2016

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By *draham*
Virginia Board Of Nursing