

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **JUSTIN BRANCH, L.P.N., C.N.A.**
License Number: **0002-092817**
Expiration Date: **September 30, 2018**
Certificate Number: **1401-168392**
Expiration Date: **July 31, 2016**
Case Number: **175185, 175188**

**NOTICE OF INFORMAL CONFERENCE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an Informal Conference has been scheduled before the Board of Nursing ("Board") regarding your license to practice as a practical nurse and your certification to practice as a nurse aide in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
DATE AND TIME:	December 6, 2016 10:30 A.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Refer the matter to the Board of Nursing for a formal administrative hearing;
- Offer you a consent order for suspension or revocation of your license and/or certificate in lieu of a formal hearing.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

1. Deadline for filing materials: November 29, 2016. Submit 5 copies of all documents you want the Board to consider to Dawnyel Towles, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Dawnyel Towles at the above address: November 29, 2016. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

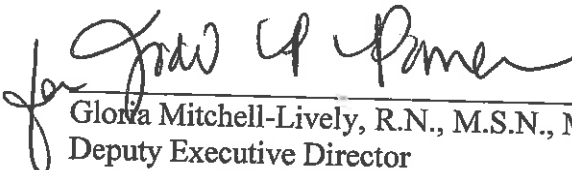
REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **November 29, 2016**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **November 29, 2016**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Justin Branch, L.P.N., C.N.A., was licensed to practice as a practical nurse and certified to practice as a nurse aide in the Commonwealth of Virginia.
2. Justin Branch, L.P.N., C.N.A. violated Virginia Code § 54.1-3007(5) and (6) in that he is unsafe to practice practical nursing and as a certified nurse aide due to substance abuse, as evidenced by the following:
 - a. During the course of his employment with Kings Grant Retirement Community, Martinsville, Virginia, on or about January 29, 2016, Mr. Branch arrived late for his shift, wearing plain clothes and flip flops. He was stumbling, exhibited incoherent speech, and appeared impaired. He was observed slouching over and asleep at times. Mr. Branch told the Director of Nursing that he was not under the influence of drugs or alcohol, but was simply tired because he had not slept. However, Mr. Branch consented to a urine drug screen which was positive for Xanax (alprazolam, C-IV), for which Mr. Branch did not have a valid prescription, and hydrocodone (C-III), for which he did have a valid prescription.
 - b. Mr. Branch admitted that he was impaired and incapable of performing nursing duties when he reported for his shift on January 29, 2016, but said the reason was that he had not slept in two days.



Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing

November 9, 2016
Date