

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JUSTIN BRANCH, L.P.N., C.N.A.
License Number: 0002-092817
Certificate Number: 1401-168392
Case Number: 175185 & 175188

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on December 6, 2016, in Henrico County, Virginia, to inquire into evidence that Justin Branch, L.P.N., C.N.A., may have violated certain laws and regulations governing the practice of practical nursing and the regulations governing certified nurse aides in the Commonwealth of Virginia.

Justin Branch, L.P.N., C.N.A. appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated November 9, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Branch notifying him that an informal conference would be held on December 6, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Justin Branch, L.P.N., C.N.A., was issued License Number 0002-092817 to practice practical nursing on August 4, 2015, which is scheduled to expire on September 30, 2018. Justin

Branch, L.P.N., C.N.A., was also issued Certificate Number 1401-168392 to practice as a certified nurse aide on July 23, 2014, which expired on July 31, 2016. His primary state of residence is Virginia.

2. Mr. Branch violated Virginia Code § 54.1-3007(5) and (6) in that:

a. During the course of his employment with Kings Grant Retirement Community, Martinsville, Virginia, on July 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 an unscheduled shift he agreed to accept on January 29, 2016. Mr. Branch said the reason he was impaired is that he had not slept in two days, having worked back-to-back shifts the previous two nights.

3. During the informal conference, Mr. Branch stated that he never took a Xanax. He also said he has no history of alcohol abuse or drug abuse. Jessica Branch, his wife, corroborated his statements regarding Xanax and substance abuse.

4. Mr. Branch's employment with Kings Grant Retirement Community was terminated on August 11, 2016 as a result of this incident.

5. Mr. Branch is currently employed by Comcast in customer service. He stated that he was awaiting the Board's resolution with regard to these allegations before getting back into nursing.

6. Mr. Branch said he is willing to do whatever the Board requires of him in order to keep his practical nursing license.

7. At the informal conference, Mr. Branch stated that he sought an independent substance abuse evaluation on October 19, 2016 from the Piedmont Community Services Board, Martinsville, Virginia, and was told he did not need treatment.

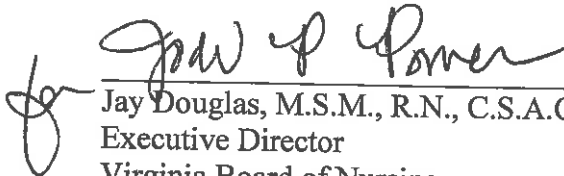
ORDER

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

1. Justin Branch, L.P.N., C.N.A., is REPRIMANDED.
2. Justin Branch, L.P.N., C.N.A. shall provide the Board, within 90 days of the entry of this Order, a copy of the October 2016 substance abuse evaluation performed by Ron Mills, Q.M.H.P., Q.M.S.A.P., from the Piedmont Community Services Board. Mr. Branch shall comply with any recommendations of the Piedmont Community Services Board. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Mr. Branch is discharged from therapy. Mr. Branch shall direct the therapist to notify the Board if he withdraws from the treatment program before being officially discharged by the therapist.
3. Justin Branch, L.P.N., C.N.A., shall comply with all laws and regulations governing the practice of practical nursing and governing certified nurse aides in the Commonwealth of Virginia.
4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of practical nursing or governing certified nurse aides shall constitute grounds for further disciplinary action.

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: December 21, 2016

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Mr. Branch may, not later than 5:00 p.m., on January 23, 2017, notify Jay Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on January 23, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By J. Bowler
Virginia Board of Nursing