

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHARLES BROWN, JR., R.N.
LicenseNumber: 0001-154220
Case Number: 173645

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 September 22, 2016, in Henrico County, Virginia, to receive and act upon Charles Brown's application for reinstatement of his license to practice professional nursing in the Commonwealth of Virginia.

Charles Brown, Jr., R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated September 7, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Brown notifying him that a formal administrative hearing would be held on September 22, 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 Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. Charles Brown, Jr., was issued License No. 0001-154220 to practice professional nursing on July 3, 1997. On December 6, 2012, the Department of Health Professions mandatorily suspended Mr. Brown’s license to practice professional nursing, as well as his nurse practitioner license and his prescriptive authority. Mr. Brown’s primary state of residence is Washington D.C.

2. Mr. Brown also held License No. R15929 to practice professional nursing in the state of Maryland, which has not been reinstated. That license was revoked on June 29, 2015, as a result of the mandatory suspension of his Virginia license. He also held licenses to practice professional nursing in West Virginia, which expired on October 31, 2012, and Washington, DC, which expired on June 30, 2010.

3. On November 19, 2012, Mr. Brown was convicted in the United States District Court for the Eastern District of Virginia, Alexandria Division, of three counts of distribution of oxycodone, and one count of conspiracy to distribute oxycodone, methadone, fentanyl, and hydromorphone, all felonies.

4. The conduct underlying this conviction was based upon his prescribing as a nurse practitioner.

5. Mr. Brown signed a Participation Contract with the Health Practitioners Monitoring Program on August 10, 2016 in which he acknowledged that his history of cocaine abuse impairs his ability to practice professional nursing. Mr. Brown also has a diagnosis of post-traumatic stress disorder.

6. Mr. Brown stated that at times he had practiced professional nursing and as a nurse practitioner while impaired by cocaine. He told the Board that he turned to the substance when he was dealing with times of personal loss and stress.

7. Mr. Brown testified that if he receives his license, he plans to practice as an R.N. in the greater Washington D.C. area, and would like to teach patients about the medications they take. When asked what is different now than during the time of the conduct underlying his conviction, Mr. Brown told the Board that he is no longer impaired and is focused on his recovery; he told the Board that he is signing up with Narcotics Anonymous. Mr. Brown admitted that he made bad judgment calls at the

time and that now he feels he can educate other nurses on the pitfalls of the mistakes he has made. Evidence revealed that Mr. Brown went through an inpatient treatment program while he was incarcerated.

8. Mr. Brown described his support system as his sisters, his church, his pastor, and his friends. He told the board he has been sober since entering prison in 2011.

9. Mr. Brown practiced as an R.N. for seven years prior to the conduct underlying the convictions in 2012. No evidence was presented of any practice issues during that time.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(7).
2. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(4).
3. Finding of Fact No. 5 constitutes a violation of Virginia Code § 54.1-3007(6).
4. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Mr. Brown's health records or health services.

ORDER

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

1. Charles Brown, Jr., R.N., is REPRIMANDED.
2. The application of Charles Brown, Jr., R.N., for reinstatement of the license to practice professional nursing in the Commonwealth of Virginia is DENIED. Further, it is ORDERED that Mr. Brown's license be CONTINUED on INDEFINITE SUSPENSION.
3. It is further ORDERED that said suspension shall be STAYED contingent upon Charles Brown, Jr., R.N.,'s continued compliance with all terms and conditions of the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP.

4. Upon receipt of evidence of Charles Brown, Jr., R.N.'s participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Charles Brown, Jr., R.N.'s appearance before the Board and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.

5. This Order is applicable to Charles Brown, Jr., R.N.'s multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Charles Brown, Jr., R.N., shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where he seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

6. Failure to comply with the terms and conditions of the stay of suspension shall be reason for summarily rescinding the stay of suspension of the license of Charles Brown, Jr., R.N., and the license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

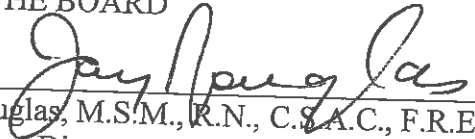
7. Charles Brown, Jr., R.N., shall provide evidence of successful completion of the following NCSBN course(s) within 60 days of entry of this Order: (1) *Professional Accountability & Legal Liability for Nurses* and (2) *Righting a Wrong: Ethics and Professionalism in Nursing*. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

8. Charles Brown, Jr., R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

9. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing 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 ON:

October 26th, 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 P. 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 

Virginia Board Of Nursing