

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHARLES BROWN, JR., R.N. REINSTATEMENT APPLICANT
License Number: 0001-154220
Suspension Date: December 6, 2012
Case Number: 173645

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a formal hearing has been scheduled before the Board of Nursing ("Board") regarding your application for reinstatement of your license to practice as a professional nurse in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board of Nursing.
DATE AND TIME:	September 22, 2016 1:00 P.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 formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of professional nursing.

3. In considering your application, the Board will consider evidence that grounds may exist to deny your application for reinstatement of your license to practice as a professional nurse, as more fully set out in the enclosed Statement of Allegations.

4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Approve your application and issue an unrestricted license to practice as a professional nurse;
- Approve your application and issue a restricted license subject to terms and conditions;

- Deny your application and continue your license on indefinite suspension or revoke your license.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board 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 Board 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.

COMMONWEALTH'S EXHIBIT:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board 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 formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: September 13, 2016. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, 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 Darlene Graham at the above address: September 13, 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.

OTHER IMPORTANT INFORMATION:

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that grounds exist to refuse to reinstate the license of Charles Brown, Jr., R.N. to practice as a professional nurse in that:

1. Charles Brown, Jr., violated Virginia Code § 54.1-3007(4) in that on or about November 19, 2012, Mr. Brown was convicted of three counts of distribution of oxycodone (Schedule II), and one count of conspiracy to distribute fentanyl, hydromorphone, methadone, and oxycodone (Schedule II), all felonies, in the United States District Court for the Eastern District of Virginia, Alexandria Division.

2. Mr. Brown violated Virginia Code § 54.1-3007(7) in that on or about June 29, 2015, his license to practice registered nursing in the State of Maryland was revoked by the Maryland Board of Nursing.

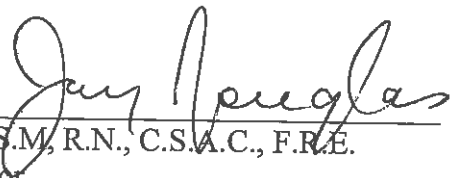
3. Mr. Brown violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice professional nursing due to substance abuse and/or mental and/or physical illness, as evidenced by the following:

a. By his own admission, Mr. Brown used cocaine on a regular basis for many years and stated to an investigator for the Department of Health Professions that he “probably” worked while he was impaired.

b. Mr. Brown signed a Participation Contract with the Health Practitioners’ Monitoring Program on August 10, 2016, in which he acknowledged his history of cocaine abuse.

c. Mr. Brown has a diagnosis of post-traumatic stress disorder.

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.



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

September 7th, 2016
Date