

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: WILLIE A. BROWN, C.N.A. REINSTATEMENT APPLICANT  
Certificate No.: 1401-013589**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on November 19, 2015, in Henrico County, Virginia, to receive and act upon Willie A. Brown's application for reinstatement of his certificate to practice as a certified nurse aide in Virginia, which was indefinitely suspended on November 24, 2009, and to inquire into evidence that he may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Wendy Deaner, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. Brown was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Willie A. Brown was issued Certificate No. 1401-013589 to practice as a certified nurse aide in the Commonwealth of Virginia on July 31, 1989. Said certificate was mandatorily suspended by the Department of Health Professions on April 10, 2009. By an Order of the Board entered on November 24, 2009, said certificate was continued on indefinite suspension. This action was based on Mr. Brown's conviction of one count of felony mail fraud, on September 26, 2008, in the United States District Court, Eastern District of Virginia.

2. Based upon the representations of Wendy Deaner, Adjudication Specialist, and

Commonwealth's Exhibit No. 1, the Amended Notice of Formal Hearing and Statement of Particulars, Allegation Summary Worksheet, and Amended Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the applicant and the hearing proceeded in his absence. Further, Mr. Brown submitted a last minute continuance request, which was denied at the hearing.

3. Mr. Brown submitted an application for reinstatement of his certificate to practice as a certified nurse aide in the Commonwealth of Virginia, which was received by the Board on February 27, 2013.

4. On his application for reinstatement of his certificate to practice as a nurse aide in the Commonwealth of Virginia:

a. Mr. Brown falsely answered "no" to the question "Have you ever been convicted, pled guilty to, or pled no contest to a violation of any federal, state, or other law constituting a felony or misdemeanor, including convictions for driving under the influence (DUI), but excluding traffic violations?" when, in fact, Mr. Brown was convicted of mail fraud, a felony, in the United States District Court, Eastern District of Virginia, on September 26, 2008.

b. Mr. Brown falsely answered "no" to the question "Have you ever had action taken against or been denied a license or certificate in a health-related field?" when, in fact, Mr. Brown was denied reinstatement of his certificate to practice as a certified nurse aide and his certificate was continued on indefinite suspension by Order of the Board entered November 24, 2009.

5. Mr. Brown provided false information to an investigator for the Virginia Department of Health Professions regarding his prior employment. Mr. Brown stated that he was employed as a non-certified nurse aide for a home health agency from February 2013 through June 2013. When the investigator contacted the owner of the agency, she denied that Mr. Brown was ever employed with any of her various home health companies.

6. On September 26, 2008, subsequent to his conviction of mail fraud, Mr. Brown was ordered

to pay \$69,047.94 in restitution by the United States District Court, Eastern District of Virginia. During Mr. Brown's interview with the DHP investigator, he informed the investigator that he still owed over \$63,000.

7. Mr. Brown has consistently demonstrated a pattern of fraudulent behavior.

### CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 4(a) and 4(b) constitute a violation of §54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides ("Regulations").
2. Finding of Fact No. 5 constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(k) of the Regulations.
3. Mr. Brown has not demonstrated satisfactory evidence that he is prepared to resume practice in a safe and competent manner.

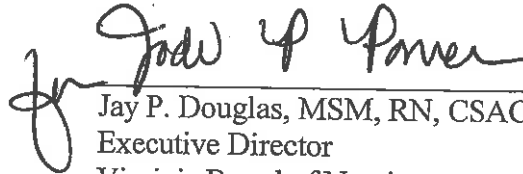
### ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Willie A. Brown for reinstatement of his certificate to practice as a certified nurse aide in the Commonwealth of Virginia is hereby DENIED.
2. Certificate No. 1401-013589 issued to Willie A. Brown, to practice as a certified nurse aide in the Commonwealth of Virginia, is hereby REVOKED.
3. The certificate of Mr. Brown will be recorded as REVOKED. Pursuant to § 54.1-2408.2 of the Code, should Mr. Brown seek reinstatement of his certificate after three years, he shall be responsible for any fees that may be required for the reinstatement of his certificate prior to issuance of his certificate to resume practice. The reinstatement of Mr. Brown's certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

December 9, 2015

ENTERED

**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, MSM, RN, CSAC, FRE, 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 *dgraham*  
Virginia Board Of Nursing