

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

AMENDED NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Willie A. Brown, who, prior to its suspension by the Board of Nursing on April 10, 2009, held Certificate No. 1401-013589 to practice as a certified nurse aide in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on November 19, 2015 at 2:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Mr. Brown will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Mr. Brown has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on his behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Mr. Brown desires any witnesses to appear on his behalf, he must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Mr. Brown’s application for reinstatement of his certificate to practice as a certified nurse aide in Virginia, which was suspended by Order of the Board entered on April 10, 2009, and to inquire into evidence that grounds may exist to deny said application, as more fully set forth in the Statement of Particulars below.

The burden rests upon Mr. Brown, as the applicant, to demonstrate that he is capable of resuming the safe and competent practice as a certified nurse aide in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Mr. Brown's certificate requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

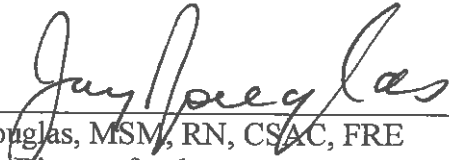
1. Willie A. Brown, may have violated §54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides ("Regulations") in that on his application for reinstatement received by the Board on February 27, 2013:

a. Mr. Brown 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, Newport News Division, on September 26, 2008.

b. Mr. Brown 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 continued on indefinite suspension by Order of the Board entered November 24, 2009.

2. Mr. Brown may have violated §54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(k) of the Regulations in that he falsely stated to an investigator for the Virginia Department of Health Professions 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.

FOR THE BOARD



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

ENTERED: October 14th, 2015