

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: WILLIE A. BROWN, C.N.A. REINSTATEMENT APPLICANT

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 18, 2009, in Henrico County, Virginia, to act upon Willie A. Brown's application for reinstatement of his certificate to practice as a nurse aide in Virginia. The case was presented by Wendell Roberts, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Mr. Brown was present and was not represented by 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, C.N.A., was issued Certificate No. 1401-013589 to practice as a nurse aide by the Virginia Board of Nursing on July 31, 1989. Said license was mandatorily suspended by the Department of Health Professions on April 10, 2009, following a September 29, 2008, felony conviction. Mr. Brown applied for reinstatement of his certificate on August 11, 2009.

2. Mr. Brown was convicted of a felony charge by judgment dated September 29, 2008, in the United States District Court, Eastern District of Virginia, Newport News Division, to wit: One Count of Mail Fraud. The conviction involved the sale of a house involving submission of false HUD and FHA applications. Mr. Brown remains under court probation and is not current in his payment of court-ordered restitution, which totals \$69,047.94. He is also delinquent in the payment of his court-ordered electronic monitoring fees.

3. Mr. Brown has not performed nursing-related activities for compensation since 2002. Mr. Brown testified that he wants to reinstate his nurse aide certificate for financial reasons. Mr. Brown has been engaged as a self-employed handyman since 2000. Mr. Brown provided no documentation in support of his application for reinstatement.

CONCLUSION OF LAW

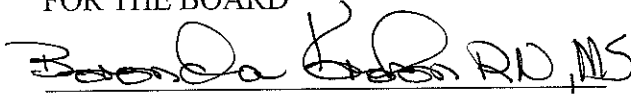
The Board concludes that Finding of Fact #2 constitutes a violation of §54.1-3007(4) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application for reinstatement of Certificate No. 1401-064913 issued to Willie A. Brown to practice as a nurse aide in the Commonwealth of Virginia, be and hereby is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that right to reinstate his certificate be CONTINUED on INDEFINITE SUSPENSION for a period of not less than one year. At such time as he shall petition the Board for reinstatement of his certificate, a hearing will be convened to determine whether he is able to return to the safe and competent practice as a nurse aide.

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


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

November 24, 2009
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, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, 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.