

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BRIAN K. HORNE, C.N.A.
Certificate No.: 1401-098230

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on March 12, 2015, in Henrico County, Virginia. Brian K. Horne, C.N.A., was not present nor was he represented by legal counsel. Jodi P. Power, R.N., J.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 20, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Horne was not present nor was she represented by legal counsel. Mr. Horne submitted written comments/objections.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Brian K. Horne, C.N.A., was issued Certificate No. 1401-098230 to practice as a nurse aide in Virginia on May 29, 2003. The Certificate is scheduled to expire on May 31, 2015.
2. By letter dated February 9, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Horne notifying him that an informal conference would be held on March 12, 2015. The Notice was sent by certified and first class mail to 208 Hephill Drive, Apt. 26, Bassett, Virginia 24055, the address of record on file with the Board of Nursing. The certified mail receipt was signed on February 11, 2015; the first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Horne and the informal conference

proceeded in his absence.

3. During the course of his employment with Trinity Mission of Rocky Mount, Rocky Mount, Virginia, on December 21, 2013, while assisting a fellow nurse aide with an alert and oriented resident who was in her bed, Mr. Horne jerked the covers back, exposing the resident, after she asked him not to do so, which upset the resident. He then made inappropriate remarks to the resident, stating, "I have a 27-year-old wife at home; what are you 80 years old? you don't have anything I have not seen before," or words to that effect. Both the resident and assisting nurse aide verified the incident.

4. Mr. Horne's employment was terminated on December 31, 2013, after approximately seven weeks of employment. He was previously employed there from May 29, 2013 to September 25, 2013, when he resigned and was subsequently rehired. Mr. Horne reported to the Department of Health Professions investigator that during his previous employment, he was suspended for one week due to an interaction with a different resident, but was currently unemployed. He was previously employed for ten years at Oak Hill Nursing Home and for three years at UVA Medical Center.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

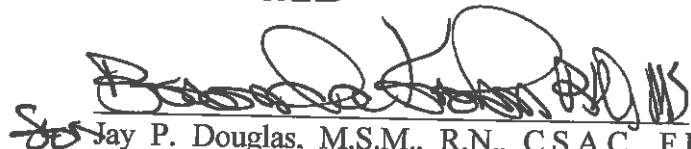
1. Brian K. Horne, C.N.A., is hereby REPRIMANDED.
2. Mr. Horne shall maintain a course of conduct in his capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 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 a public record, and shall be made available for public

inspection and copying upon request.

Since Mr. Horne failed to appear at the informal conference, this Order shall be considered final. Mr. Horne has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Horne has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD


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

Entered: May 26, 2015

Certified True Copy

By 
Virginia Board Of Nursing