

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ERICA BROWN, L.P.N.
License No.: 0002-057894**

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 January 29, 2015, in Henrico County, Virginia, to inquire into evidence that Erica Brown, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. 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. Erica Brown, L.P.N., was issued License No. 0002-057894 to practice a practical nurse by the Virginia Board of Nursing ("Board") on May 26, 1999. Said license is set to expire on October 31, 2015. Ms. Brown's primary state of residence is Virginia.
2. Based upon the representations of Mr. Kazzie and Commonwealth's Exhibits #1 and #2, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with Westminster Canterbury of the Blue Ridge, Charlottesville, Virginia, between September 2012 and February 2014, Ms. Brown wrote and cashed checks from the account of a facility resident with dementia for approximately \$25,000.00 for her personal and

unauthorized use. Ms. Brown stated to an investigator for the Department of Health Professions ("DHP") that she was in dire financial straits during the relevant time period and that she used the money that she embezzled from the resident to pay personal bills. Ms. Brown admitted during the investigation that accepting money from a resident of the facility constituted a violation of the regulations governing the practice of practical nursing and Westminster Canterbury's internal code of conduct.

4. Ms. Brown stated to the DHP investigator that she has a substance abuse issue. She reported undergoing two spinal surgeries during childhood and chronic back pain during her adult life, in addition to other acute medical problems, including a broken ankle, and gall bladder and appendix issues. She began using her fiance's and her mother's Vicodin to help her deal with the various issues. She attempted to stop when she realized she had a problem, but she was unable to do so on her own.

5. Ms. Brown admitted to fraudulently obtaining prescriptions for herself by calling them into pharmacies under the names of practitioners treating residents of Westminster Canterbury. She had no patient-practitioner relationship with any of these four prescribers, and she indicated all the prescriptions on her Prescription Monitoring Report from January 1, 2013, through May 21, 2014, were obtained fraudulently.

6. On June 11, 2014, Ms. Brown signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"). Before entering the HPMP, she was treated for substance abuse issues at Centra New Visions and followed up with her community services board. Ms. Brown is currently not approved for work. As of January 26, 2015, Ms. Brown was in compliance with the terms of the HPMP.

7. At the hearing, the Department of Health Professions Investigator testified that as of the time he last spoke with Ms. Brown she has not made restitution. In her interview with the DHP investigator, Ms. Brown stated that she made up the information in the memo lines of the checks to make them look more legitimate.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(k) of the Regulations Governing the Practice of Nursing ("Regulations").
2. Finding of Fact No. 5 constitutes a violation of §54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations.
3. Findings of Fact Nos. 5 and 6 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

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

1. License No. 0002-057894 issued to Erica Brown, L.P.N., to practice practical nursing in the Commonwealth of Virginia, is hereby REVOKED.
2. The license of Ms. Brown will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Brown seek reinstatement of her license after three years, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice. The reinstatement of Ms. Brown's license shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
3. At such time as Ms. shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether he is able to return to the safe and competent practice of practical nursing.
4. This Order shall be applicable to Ms. Brown's multistate licensure privileges, if any, to practice practical nursing.

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

Glenn Mitchell Lively
for Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

March 4, 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 *dpaham*
Virginia Board Of Nursing