

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:                   TERRI L. BROWN, R.N. REINSTATEMENT APPLICANT  
                                  LICENSE NO.: 0001-123524**

**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 17, 2011, in Henrico County, Virginia, to receive and act upon Terri L. Brown's application for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by Order of the Department of Health Professions entered July 8, 2011, and to inquire into evidence that Ms. Brown may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Brown was 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. Terri L. Brown, R.N., was issued License 0001-123524 to practice professional nursing in the Commonwealth of Virginia on July 17, 1991. Said license was mandatorily suspended by Order of the Department of Health Professions entered July 8, 2011. Ms. Brown's primary state of residence is Virginia.
2. Ms. Brown submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on August 17, 2011.
3. On August 20, 2010, Ms. Brown was convicted of one felony count of obtaining a controlled substance by forgery in the United States District Court for the District of Columbia.

4. For approximately two years during the course of her employment with Medical Facility Associates, Washington, D.C., Ms. Brown forged prescriptions on a pad, taken from her employer, for Xanax (Schedule IV) and Ambien (Schedule IV) for her own personal and unauthorized use, which resulted in her conviction as evidenced above.

5. Ms. Brown's Health Practitioners' Monitoring Program ("HPMP") case manager testified that Ms. Brown is currently enrolled in the HPMP and is in compliance with the terms of her most recent recovery monitoring contract dated April 23, 2011. The HPMP recommends Ms. Brown's reinstatement.

6. Ms. Brown submitted a written report from the Prince William County Community Services Board dated October 4, 2011, which states that it is the program's opinion that Ms. Brown has "become stable in terms of her substance abuse and mental health issues and is ready to return to her nursing career."

#### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 3 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 Governing the Practice of Nursing.
3. Ms. Brown is properly enrolled in the HPMP.
4. Ms. Brown has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

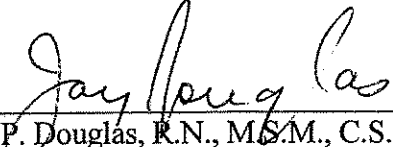
#### **ORDER**

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 000-123524 issued to Terri L. Brown to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED upon the condition that she remains compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:

1. Ms. Brown shall comply with the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Brown, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Brown shall be noticed to appear before the Board at such time as the Board is notified that:
  - a. Ms. Brown is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
  - b. There is a pending investigation or unresolved allegation against Ms. Brown involving a violation of law or regulation or any term or condition of this Order; or
  - c. Ms. Brown has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Brown's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Brown's appearance before the Board and conduct an administrative review of this matter.
3. This Order shall be applicable to Ms. Brown's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Brown may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.
4. Ms. Brown shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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, R.N., M.S.M., C.S.A.C.  
Executive Director  
Virginia Board of Nursing

December 21<sup>ST</sup>, 2011

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, 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.