

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JOSETTE BROWN, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-000506

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 July 8, 2014 in Henrico County, Virginia. Ms. Brown was present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 16, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Brown was not present nor was she represented by legal counsel.

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. Josette Brown, C.N.A. was issued Certificate No. 1401-000506 to practice as a nurse aide in Virginia on July 17, 1989. Ms. Brown's certificate expired on July 31, 2009. She submitted an application for reinstatement of her nurse aide certification which was received by the Board on April 21, 2014.

2. By letter dated June 2, 2014, the Board of Nursing ("Board") sent a Notice of Informal Conference ("Notice") to Ms. Brown notifying her that an informal conference would be held on July 8, 2014. The Notice was sent by certified and first class mail to 7426 Gold Dale Road, Locust Grove, Virginia, 22508, the address of record on file with the Board of Nursing. An Amended Notice was hand

delivered to Ms. Brown at the informal conference.

3. On April 21, 2006, in the Circuit Court of Orange County, Virginia, Ms. Brown was convicted of ten felony counts of obtaining money by false pretenses, one felony count of money laundering, and one count of misdemeanor assault and battery. Ms. Brown was sentenced to 50 years and 6 months with 49 years and 9 months suspended. She was ordered to pay \$4,648.00 in costs, and \$62,295.87 in restitution to the victim. Ms. Brown is currently on probation until 2021. At the informal conference Ms. Brown admitted she is not actively paying her restitution.

4. During the course of her employment with AmeriCare Plus, on or about December 22, 2009, Ms. Brown appeared to be under the influence of alcohol while on duty. Subsequently, she was drug and alcohol screened; the results indicated a blood alcohol content of .25.

5. Ms. Brown was terminated from her employment with AmeriCare Plus due to being impaired while on duty after a seven-month term of employment. Ms. Brown denied being on duty at the time of the incident but did acknowledge she had a problem with alcohol.

6. On her reinstatement application, Ms. Brown falsely answered “no” to the question asking if she had 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. In addition, Ms. Brown failed to list her employment with AmeriCare Plus on her reinstatement application.

7. Ms. Brown currently has two pending felonies in the Circuit Court of Orange County, Virginia. She is charged with unauthorized use of a motor vehicle and failure to stop at the scene of an accident; an attorney advisement is scheduled for August 25, 2014.

8. Ms. Brown is currently providing private duty nursing care in a patient’s home.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(4) of the Code.

2. Finding of Fact No. 4 constitutes a violation of §54.1-3007(5) and (6) of the Code.
3. Finding of Fact No. 6 constitutes a violation of §54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides.
4. Ms. Brown has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

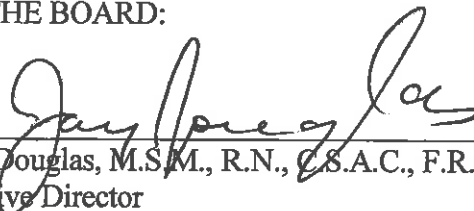
ORDER

WHEREFORE, it is hereby ORDERED that the application of Josette Brown, C.N.A. for reinstatement of Certificate No. 1401-000506, to practice as a certified nurse aide in the Commonwealth of Virginia is hereby DENIED. At such time as Ms. Brown shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a certified nurse aide. Ms. Brown shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Brown may, not later than 5:00 p.m., on **October 31, 2014**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

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: September 25th, 2014

This Order shall become final on October 31, 2014; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing