



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

*Department of Health Professions*  
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Virginia Board of Nursing  
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Executive Director

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## AMENDED NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

July 7, 2014

Josette Brown, C.N.A. Reinstatement Applicant  
7426 Gold Dale Road  
Locust Grove, Virginia 22508

**HAND DELIVERED**

Dear Ms. Brown:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **July 8, 2014 at 2:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will consider your application for the reinstatement of your certificate to practice as a certified nurse aide in the Commonwealth of Virginia, which expired on July 31, 2009 and inquire into allegations that you may have violated certain laws and regulations governing practice as a nurse aide in Virginia.

Specifically:

1. You may have violated §54.1-3007(4) of the Code in that on April 21, 2006, in the Circuit Court for Orange County, Virginia, you were 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.

2. You may have violated §54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the

Regulations Governing Certified Nurse Aides in that on your application for reinstatement of your nurse aide certification received by the Board on April 21, 2014, you answered "no" to the question asking if you 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.

3. You may have violated §54.1-3007(5) and (6) of the Code in that, on or about December 22, 2009, during the course of your employment with AmeriCare Plus, you appeared to be under the influence of alcohol while on duty.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- Reinstatement your certificate to practice as a nurse aide in the Commonwealth without restriction;
- Recommend that the Board reinstate your certificate and place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate, reprimand you, or impose a monetary penalty;
- Recommend that the Board deny your application for reinstatement of your certificate.

The burden is on you, as the applicant, to prove evidence satisfactory to the Board that you are prepared to resume competent practice as a nurse aide with reasonable skill and safety to patients.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

### **Board's Review of Agency Subordinate's Recommended Decision**

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.


You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by June 30, 2014. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on July 8, 2014. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on June 30, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after June 30, 2014 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4614.

Sincerely,  
  
Brenda Krohn, R.N., M.S.  
Deputy Executive Director

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Wendy J. Deaner, Adjudication Specialist  
Patricia Sheehan, Senior Investigator (Case No. 156893)  
Agency Subordinate