

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: STEPHANIE BROOKS, C.N.A.
Certificate No.: 1401-149563

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 Virginia Board of Nursing ("Board") on June 10, 2014, in Henrico County, Virginia. Ms. Brooks was not present nor was represented by legal counsel. Judith E. Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Brooks 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. Stephanie Brooks was issued Certificate No. 1401-149563 to practice as a nurse aide in Virginia on December 14, 2011. The certificate is scheduled to expire on December 31, 2014.
2. By letter dated May 1, 2014, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Brooks notifying her that an informal conference would be held on June 10, 2014. The Notice was sent by certified and first class mail to 818 8th Street, Lynchburg, VA 24504, the address of record on file with the Board of Nursing. Ms. Brooks signed the certified mail receipt. The first class mail was not returned. The Agency Subordinate concluded that adequate notice was provided to Ms. Brooks and the informal conference proceeded in her absence.
3. Ms. Brooks has a substance abuse problem which is evidenced by the following:

a. During her hospitalization for abdominal issues at Virginia Baptist Hospital, Lynchburg, Virginia, on June 1, 2008, her urine screen showed evidence of cannabinoid, benzodiazepine and opiates and she was discharged with a diagnosis of polysubstance abuse.

b. During her subsequent hospitalization for abdominal issues at Lynchburg General Hospital, Lynchburg, Virginia, on July 25, 2009, a urine drug screen showed evidence of cannabinoid, benzodiazepine, cocaine and opiates, and her final diagnosis included substance abuse.

c. On April 16, 2013, upon admission to Bedford Memorial Hospital, Bedford, Virginia, Ms. Brooks tested positive for cannabinoid and opiates.

d. A co-worker at Lynchburg Health and Rehab, Lynchburg, Virginia, reported that in 2012-2013, Ms. Brooks and a nurse colleague “smoked a bowl” of marijuana during lunch breaks and then returned to her nurse aide duties.

e. A second co-worker at Lynchburg Health and Rehab reported that Ms. Brooks and a nurse colleague took lunch breaks together to smoke marijuana and returned to work smelling of perfume to camouflage the odor of marijuana.

4. During her employment at Lynchburg Health and Rehab on July 18, 2013, Ms. Brooks was discovered sleeping during her shift. Her employment was terminated on July 25, 2013. Ms. Brooks had been employed at Lynchburg Health and Rehab for approximately two years.

5. On October 13, 2011, Ms. Brooks falsified her application for certification as a nurse aide by not marking “no” when asked if she had ever been convicted of a felony, misdemeanor, or driving while intoxicated, when in fact she had been convicted of driving while intoxicated (DWI), in 2009, and of contempt, in 2010.

6. On January 8, 2014, Ms. Brooks falsified her application to Liberty Ridge Health and Rehab, Lynchburg, Virginia by stating that she had left Lynchburg Health and Rehab due to a

scheduling problem when, in fact, she had been terminated for sleeping while on duty.

7. Ms. Brooks was hired by Liberty Ridge and was still employed there as of February 18, 2014.

8. On February 18, 2014, in a telephone interview with the Department of Health Professions' investigator, Ms. Brooks denied having a substance abuse problem and stated that she had not smoked marijuana in five or six years. In a subsequent interview, on March 11, 2014, Ms. Brooks admitted to smoking marijuana approximately three times a year.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(5) of the Code
3. Finding of Fact No. 5 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 ("Regulations").
4. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-149563 of Stephanie Brooks, C.N.A., is INDEFINITELY SUSPENDED.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Brooks 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 nurse aide. Ms. Brooks 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.

4. This suspension shall be STAYED upon proof of entry into the HPMP and compliance with the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the following terms and conditions shall apply:

a. Ms. Brooks shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of Ms. Brooks' certificate and an administrative proceeding shall be held to determine whether her certificate shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Brooks is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Brooks' participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Brooks involving a violation of law, regulation, or any term or condition of this order.

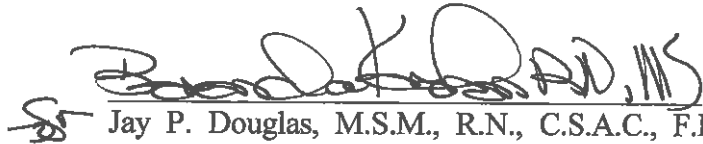
5. Upon receipt of evidence of Ms. Brooks' participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Brooks' appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

6. Ms. Brooks shall maintain a course of conduct in her 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 Ms. Brooks failed to appear at the informal conference, this Order shall be considered final. Ms. Brooks 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, Ms. Brooks has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, 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: July 22, 2014

Certified True Copy

By 
Virginia Board Of Nursing