

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SYLVESTER BRITT, R.N. REINSTATEMENT APPLICANT
License No.: 0001-072640

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 June 2, 2014, in Henrico County, Virginia, to receive and act upon the application of Sylvester Britt for reinstatement of his license to practice professional nursing in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. Britt 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. Sylvester Britt was issued License No. 0001-072640 to practice professional nursing in the Commonwealth of Virginia on March 30, 1979. Said license was summarily suspended by Order of the Board entered on December 30, 2010. On February 16, 2011, his license was continued on indefinite suspension for not less than 2 years. His primary state of residence is Virginia.
2. By Order of the Board entered October 2, 2013, Mr. Britt's application for reinstatement of his license was denied, following a formal administrative hearing held on September 18, 2013.
3. Mr. Britt submitted an application for reinstatement of his license to practice professional nursing which was received by the Board on September 25, 2013, seven days after the formal administrative hearing held on September 18, 2013, and prior to the entry of the October 2, 2013 Order.
4. Mr. Britt provided documentation that he had changed the name of his business to

Professional Training Institute. He testified that he provides training in: CPR, First Aid, OSHA, QMRP, QMHP and program design and development for Medicaid waiver homes.

5. Mr. Britt provided the DHP investigator with 15 receipts to document refunds to the students who were enrolled in his training program for Certified Substance Abuse Counseling (CSAC). Mr. Britt testified that the refund amount written on the receipt was the amount actually provided to the student.

6. Mr. Britt testified that four students were transferred to another certification program.

7. Mr. Britt testified that he failed when he provided training for CSAC certification because of the documentation problems for which he was disciplined. He also acknowledged that it is his responsibility to maintain compliance with the regulations governing nursing practice. Mr. Britt testified that he has taken steps to be certain that he will not commit the same errors from the past.

8. Mr. Britt testified that he repaid over \$17,000 to the individuals affected by the actions for which he was disciplined in the 2011 Order. The Department of Health Professions investigator who investigated Mr. Britt's case interviewed four of the individuals who received a refund from Mr. Britt, and each of them stated that they were satisfied with the resolution that he provided them.

9. Mr. Britt offered evidence of 33 hours of continuing education ethics courses, including a course on business ethics that he completed in 2014.

10. Mr. Britt is a medical facilities inspector for the Virginia Department of Health, and he would utilize his R.N. license in that job as well as his proposed training programs. Mr. Britt presented a letter of recommendation from his supervisor at the Virginia Department of Health that fully supported the reinstatement of his R.N. license.

11. On the Certificate of Insurance that Mr. Britt offered as evidence to the Board, he listed his medical specialty as "registered nurse" despite his not being licensed at the beginning of the policy period.

CONCLUSIONS OF LAW

The Board concludes that Sylvester Britt has demonstrated satisfactory evidence that he is prepared

to resume practice in a safe and competent manner.


ORDER

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

1. The license of Sylvester Britt to practice professional nursing in the Commonwealth of Virginia is hereby REINSTATED.
2. Mr. Britt is hereby REPRIMANDED.
3. Mr. Britt shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of 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


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

June 27, 2014
ENTERED

Certified True Copy
By draham
Virginia Board Of Nursing

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, 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. 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.