

**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 September 18, 2013, in Henrico County, Virginia, to receive and act upon Sylvester Britt's application for reinstatement of his license to practice professional nursing in Virginia, which was suspended by the Board on February 16, 2011. The case was presented by Anne G. Joseph, Deputy Director, 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, R.N., was issued License No. 0001-072640 to practice professional nursing on March 30, 1979. Said license was suspended by Order of the Board of Nursing entered on February 16, 2011.
2. Mr. Britt submitted an application for reinstatement of his license which was received by the Board on January 3, 2013.
3. Mr. Britt stated that he is the owner and operator of NCA Professional Training Institute, formerly known as Nurses Consultant Associates, Inc. He desires to use the RN licensure in his current position as a medical facilities inspector. He further stated that he intends to provide training, not hands-on clinical care, if his license is reinstated.

4. Mr. Britt testified that he has continued to tutor at least one student to prepare to take the RN NCLEX exam. He has continued to perform this training since the February 16, 2011 Board Order.

5. Mr. Britt testified that he desires to set up full-time training programs after he retires from his position with the Virginia Department of Health. He presented evidence that Dr. Sonya Lee, Ed.D, HS-BCP, CSAC, would be the Clinical Director for Nurse Consulting Associates Professional Training Institute. The letter submitted by Dr. Lee stated that she will provide oversight for his proposed programs and for all "outpatient programs." Mr. Britt's evidence demonstrated that Dr. Lee would "provide Quality Assurance and clinical supervision through documentation of assessment professional competencies, clinical skills," and ensuring compliance with all licensing requirements. Mr. Britt could not specifically identify what outpatient programs would be done in his facility, or what qualifications Dr. Lee possessed that would cause her to be qualified to perform this oversight, including oversight over him as an RN or other licensed health professionals.

6. Mr. Britt admitted that he previously was Sonya Lee's supervisor for the hours she needed in order to become licensed as a CSAC. This supervision took place during the period for which the Board of Nursing disciplined him.

7. Despite saying that he accepted responsibility for his past actions, Mr. Britt later stated that his past errors were due to his receipt of inaccurate verbal confirmation that he was performing proper training programs.

8. Mr. Britt has previously been disciplined by the Board of Nursing, first on October 10, 2008, for performing physicals using the name stamp of a licensed nurse practitioner, and later on February 16, 2011, for improperly conducting training programs and falsifying documents.

9. Mr. Britt testified that he has repaid a significant amount of money to 27 individuals to whom he provided supervision. Mr. Britt did not provide any evidence to support this testimony.

10. Mr. Britt provided insufficient evidence to the Board that he has placed safeguards in his practice

to avoid repeating his previous activity related to falsification of records.

11. Mr. Britt was unable to satisfactorily answer the Board's questions regarding proper oversight and supervision for his planned training programs. The Board determined that Mr. Britt provided circular and vague responses to the Board's questions during the hearing.

**CONCLUSIONS OF LAW**

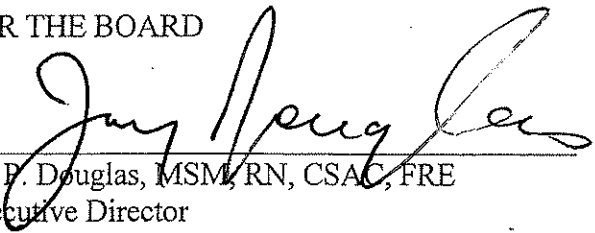
The Board concludes that Sylvester Britt has not provided satisfactory evidence that he is prepared to resume the safe and competent practice of nursing in Virginia.

**ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application of Sylvester Britt for reinstatement of his license to practice professional nursing in Virginia is DENIED.

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 F. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

October 2<sup>nd</sup>, 2013  
ENTERED

**Certified True Copy**  
By dyraham  
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, 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.