

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SYLVESTER BRITT, R.N.

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 August 6, 2008, in Henrico County, Virginia. Mr. Britt was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Britt was not present nor was he 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. Sylvester Britt, R.N., was issued License No. 0001-072640 to practice professional nursing in Virginia, which expires July 31, 2009.
2. By letter dated June 25, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Britt notifying him that an informal conference would be held on August 6, 2008. The Notice was sent by certified and first class mail to 1210 Coltrane Drive, Portsmouth, Virginia 23701, the address of record on file with the Board of Nursing.
3. From May 2005 through August 2007, Mr. Britt conducted physical assessments of students at various schools and documented the students as being medically cleared for admission to athletic programs. Further, he used the name stamp of a licensed nurse practitioner to indicate she had

reviewed the assessments and cleared the students for participation in an athletic program, when, in fact, neither a nurse practitioner nor a practitioner of medicine was present during the physicals.

4. Mr. Britt stated that he submitted his credentials each year to the school system, which approved him to perform the physicals. He assumed that he was working within his scope of practice since the school board knew he was a registered nurse.

5. Mr. Britt believed that he was performing a public service for the inner city youth who often did not have the \$10.00 to pay for the physical; these physicals were performed at no charge. Mr. Britt stated that he never received money for the physicals; all money collected went back to the school for the purchase of needed sports items.

6. Mr. Britt stated that while he was performing the physicals, the nurse practitioner was always available by telephone, and a male or female coach was always in the room.

7. According to Mr. Britt, during the time that he performed the school physicals, there was no student harm or problems. As soon as he learned that he was working outside of his scope of practice, he immediately stopped performing the physicals.

8. Mr. Britt showed the agency subordinate the name stamp given to him with the nurse practitioner's signature on it.

CONCLUSIONS OF LAW

Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (3) and (5) of the Code and 18 VAC 90-20-300(A)(2)(a) and (e) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED that Sylvester Britt, R.N., is REPRIMANDED.

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 Board of Nursing

Regulations.

This Order is subject to appeal to the Board. If Mr. Britt desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, he must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD

Gloria Mitchell
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Board of Nursing

Entered: October 10, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Sylvester Britt, R.N., at 1210 Coltrane Drive, Portsmouth, Virginia 23701.

Gloria Mitchell
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Board of Nursing

October 10, 2008
DATE

Certified True Copy
By araham
Virginia Board of Nursing