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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BRITTANY A. FRANNEY, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-138294

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Brittany A. Franey, C.N.A., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Franey's application for reinstatement of her certificate to practice as a nurse aide in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Brittany A. Franey was issued Certificate No. 1401-138294 to practice as a nurse aide by the Virginia Board of Nursing on June 30, 2010. Said certificate expired on June 30, 2012.
2. Ms. Franey submitted an application for reinstatement of her certificate which was received by the Board on March 11, 2014.
3. On March 17, 2011, in the General District Court of Fauquier County, Virginia, Ms. Franey was convicted of petty larceny. She was sentenced to 12 months in jail, suspended, placed on probation for 12 months, and ordered to make restitution in the amount of \$750.00, plus court costs. Ms. Franey successfully completed probation on March 5, 2012, and paid all costs associated with the case.
4. Ms. Franey was last employed in a nursing-related position at Culpeper Health and Rehabilitation, Culpeper, Virginia, from February 2012 to July 2012.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code of Virginia (1950), as amended ("Code").
2. Ms. Franey otherwise meets the requirements of §18 VAC 90-25-80(B) of the Board of Nursing Regulations Governing Certified Nurse Aides for reinstatement.

3. Ms. Franey has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

CONSENT

Brittany A. Franey, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her application for reinstatement of her certificate to practice as a nurse aide in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The application of Brittany A. Franey for reinstatement to practice as a nurse aide is APPROVED. Ms. Franey shall be issued an unrestricted certificate to practice as a nurse aide in the Commonwealth.
2. Ms. Franey is hereby REPRIMANDED.
3. Ms. Franey 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 Regulations Governing Certified Nurse Aides.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Consent 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 upon request.

FOR THE BOARD

Jay Douglas
Jay F. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: April 14TH, 2014

SEEN AND AGREED TO:

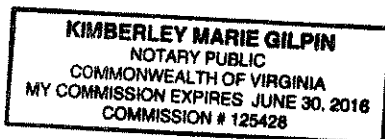
Brittany Franey
Brittany A. Franey

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Fauquier, TO WIT:

Subscribed and sworn to before me, Kimberley M. Gilpin, a Notary Public, this 8 day of April, 2014.

My commission expires 6-30-2016.

Registration Number 125428.



Kimberley M. Gilpin
NOTARY PUBLIC

Certified True Copy

By S. Bratter
Virginia Board Of Nursing