

**VIRGINIA****BEFORE THE BOARD OF NURSING****IN RE:****JANET H. BROWN, R.N. APPLICANT****ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended, ("Code"), an informal conference was held before an Informal Conference Committee of the Board of Nursing ("Committee") on June 7, 2010, in Henrico County, Virginia, to receive and act upon the application of Janet H. Brown for licensure by endorsement to practice as a professional nurse in the Commonwealth of Virginia and to inquire into evidence that she may have violated certain laws governing professional nursing practice in Virginia. Ms. Brown was not present and was not represented by legal counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Facts and Conclusions of Law.

**FINDINGS OF FACT**

1. Janet H. Brown submitted an application for licensure by endorsement as a professional nurse received by the Board on March 5, 2010.
2. By letter dated May 14, 2010, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Brown notifying her that an informal conference would be held on June 7, 2010. The Notice was sent by certified and first class mail to 3031 Belden Street, Sacramento, California 95815, the address of record on file with the Board of Nursing. Ms. Brown signed for the notice sent by certified mail on May 22, 2010. The notice sent via regular mail was not returned to the Board. The Committee Chair concluded that adequate notice was provided to Ms. Brown and the informal conference proceeded in her

absence.

3. On December 4, 1995, Ms. Brown was convicted driving with .08 percent or more of alcohol in her bloodstream, in the Municipal Court Northern Branch, County of San Mateo, California.

4. On August 21, 1997, Ms. Brown pled no contest to the charge of possession of controlled substance paraphernalia, in the Superior Court of California, County of Monterey.

5. By her own admission, Ms. Brown suffers from the disease of alcoholism.

6. On April 30, 1999, Ms. Brown's license to practice professional nursing in the State of California was revoked, with the revocation stayed contingent on her compliance with probation for a period of three years, by the California Board of Registered Nursing, Department of Consumer Affairs, Sacramento, California. This action was a result of the aforementioned conviction, and due to a finding that on May 5, 1995, during the course of her employment with Natividad Medical Center, Salinas, California, Ms. Brown signed out 100 mcg of fentanyl (Schedule II) but failed to document the administration and/or disposition of the medication in the patient's medical record. Ms. Brown successfully completed probation with the California Board of Nursing on August 8, 2002. Ms. Brown currently holds an unrestricted license in California.

7. Ms. Brown stated in a letter to the Board that her date of sobriety is March 3, 1997. Ms. Brown's sponsor provided a letter to the Board stating that Ms. Brown has been active in Alcoholics Anonymous for 12 years.

8. Ms. Brown holds current unrestricted licenses to practice professional nursing in seven states, wherein she has received no disciplinary action, including: Vermont, Washington, Minnesota, Florida, Alaska, Indiana, Maine and Louisiana.

#### **CONCLUSIONS OF LAW**

1. Findings of Fact Nos. 3 – 5 constitute a violation of § 54.1-3007(6) of the Code.

2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(7) of the Code.
3. Ms. Brown otherwise meets the qualifications of § 54.1-3018 of the Code.

**ORDER**

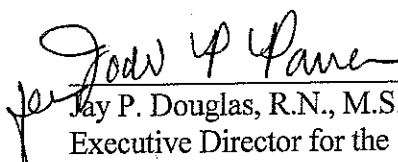
On the basis of the foregoing, the Virginia Board of Nursing hereby ORDERS that the application of Janet H. Brown for licensure by endorsement is hereby APPROVED. Ms. Brown shall be issued an unrestricted license to practice professional nursing in the Commonwealth.

Ms. Brown shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

If Ms. Brown does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, in writing at the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia 23233, within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing as provided in §§ 2.2-4020 and 2.2-4021 of the Code.

FOR THE BOARD

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

Entered: June 25, 2010