

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: BRITTANY BRINSON, C.N.A.**  
**Certificate No.: 1401-153173**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on August 22, 2013, in Henrico County, Virginia. Brittany Brinson, C.N.A., was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Brinson was not present nor was she 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. Brittany Brinson, C.N.A., was issued Certificate No. 1401-153173 to practice as a nurse aide in Virginia on June 1, 2012. The certificate is scheduled to expire on June 30, 2014.
2. By letter dated July 24, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Brinson notifying her that an informal conference would be held on August 22, 2013. The Notice was sent by certified and first class mail to 258 Gena Court, Newport News, Virginia 23602, the address of record on file with the Board of Nursing. The Notice sent by certified mail was signed for by Ms. Brinson on July 29, 2013. As of August 22, 2013, the Notice sent by first class mail had not been

returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Brinson and the informal conference proceeded in her absence.

3. During course of her employment with Health Partners Home Care, Inc., Hampton, Virginia (“Health Partners”), while providing care to clients in their homes:

a. In October 2012, by her own admission, Ms. Brinson stole \$40.00 from an envelope in Client A’s home. Further, over the course of her assignment from October 2012 until January 2013, with Client B, who is alert and oriented, Ms. Brinson stole a total of \$445.00 and a gold bracelet from her.

b. On several occasions between October 22, 2012, and January 27, 2013, by her own admission, Ms. Brinson failed to report to Client B’s home as assigned, or notify Health Partners that she would not be reporting to provide care to Client B.

c. On October 22, 2012, and January 27, 2013, by her own admission Ms. Brinson falsified the Provider Aide Record for Client B’s care, related to visits for which she did not appear, forged Client B’s signature on the forms, and falsified the visit logs.

4. Ms. Brinson was paid \$1917.65 from Health Partners for work that she did not do.

5. On February 4, 2013, Ms. Brinson’s employment with Health Partners was terminated.

6. On her application for employment with Gaffney Community Care, Virginia Beach, Virginia, dated January 25, 2013 Ms. Brinson stated that the reason for leaving Health Partners was not enough hours, when, in fact, she was terminated for falsification of records and theft as evidenced in Allegation No. 1.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(5) and (8) of the Code.

2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code

and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides (“Regulations”).

3. Finding of Fact No. 3(c) constitutes a violation § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

4. Finding of Fact No. 5 constitutes a violation § 54.1-3007(2), (5) and (8) of the code and 18 VAC 90-25-100(2)(f) of the regulations.

5. Finding of Fact No. 3(a) and Conclusion of Law No. 1 constitute a Finding of Misappropriation of patient property pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

6. Finding of Fact No. 5 and conclusion of Law No. 4 constitute a Finding of Neglect pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the code of Federal Regulations.

### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-153173 of Brittany Brinson to practice as a nurse aide is REVOKED.


2. The certificate will be recorded as revoked and no longer current.

3. A Finding of Misappropriation of patient property and a Finding of Neglect shall be ENTERED against Ms. Brinson in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Brinson’s employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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.

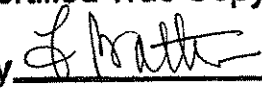
Since Ms. Brinson failed to appear at the informal conference, this Order shall be considered final. Ms. Brinson has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Brinson has 30 days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

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

Entered: November 27, 2013

Certified True Copy

By   
Virginia Board Of Nursing