

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SYLVESTER BRITT, R.N.

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 February 7, 2011, in Henrico County, Virginia, to inquire into evidence that Sylvester Britt, R.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia. The case was presented by Wayne T. Halblieb, Senior Assistant Attorney General. Senior Assistant Attorney General Howard M. Casway was present as legal counsel for the Board. Mr. Britt was present and was represented by George Minor, Jr., Esq. 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 by the Virginia Board of Nursing on March 30, 1979. Said license with multi-state privilege was summarily suspended by Order of the Board entered December 30, 2010.
2. Mr. Britt was previously reprimanded by the Board in an Order dated October 10, 2008, for falsely using the name of a licensed nurse practitioner to indicate that the nurse practitioner had reviewed physical assessments for student participation in athletic programs, when she had not.
3. At all times relevant to this matter, Mr. Britt has served as owner and as Chief Executive Officer of Nurse's Consultant Associates, Inc. ("NCA"), Portsmouth, Virginia.
4. Between June 19, 2002, and April 24, 2010, Mr. Britt aided enrollees in his training program for

Certified Substance Abuse Counselors (“CSACs”) in falsifying their applications to the Virginia Board of Counseling to qualify as CSACs by signing the Verification of Supervision forms in his capacity as a registered nurse when in fact:

a. None of the CSAC Applicants (Applicants A – H) who were interviewed by the Virginia Department of Health Professions’ Investigator (“DHP Investigator”) had met the requirements for a CSAC applicant in that they had not received “clinical supervision” from Mr. Britt, as that term is defined in 18 VAC 115-30-10 of the Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants (“CSAC Regulations”) as “the ongoing process performed by a clinical supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and education with respect to the clinical skills and competencies of the person supervised,” sufficient to satisfy the 100 hour requirement set forth in 18 VAC 115-30-60(B)(2) of the CSAC Regulations.

i. In lieu of providing the required face-to-face, case-related supervision, Mr. Britt provided what he claimed to be outpatient treatment services’ supervision by blending didactic courses and case studies without any individual client contact.

ii. By his own admission at the formal administrative hearing and in an interview with the DHP investigator, Mr. Britt acknowledged that he does not have a system in place for documenting CSAC applicants’ client contact hours at their places of employment. Rather than requiring documentation from the applicant of completing the 2000 hours of clinical practice, Mr. Britt took the applicants’ word that they had completed the 2000 hours of clinical practice.

iii. When asked if the Board of Counseling had ever approved his mode of supervision, subsequent to the Executive Director Evelyn Brown’s letter of December 6, 2007, that called attention to deficiencies in his supervision of applicants, Mr. Britt testified that, in his opinion, the Board of Counseling effectively approved his method of supervision every time it approved him to serve as the supervisor of a CSAC applicant.

b. Mr. Britt attested to the competence of Applicants A, B, C, D, E, F, G, and H, when, in fact, he did not provide clinical supervision of the applicants' clinical work with substance abuse clients as defined by the 18 VAC 115-30-10 of the CSAC Regulations. Mr. Britt nevertheless received compensation from multiple applicants for simultaneous supervision that he characterized as and deemed to be individual face-to-face consultation. Mr. Britt further testified that he did not maintain documentation that his applicants had completed the required 2000 hours of supervised experience but only retained in his files the applicants' dates of program entry and completion and the applications submitted to the Board.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 4 constitutes a violation of § 54.1-3007 (2) and (5) of the Code and 18 VAC 90-20-300 (A)(2)(e) of the Regulations Governing the Practice of Nursing.

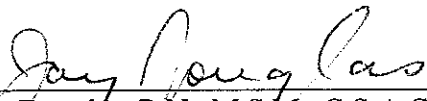
ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

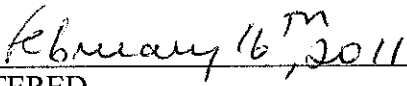
1. License No. 0001-072640, issued to Sylvester Britt, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than two years.
2. The license of Sylvester Britt, R.N., will be recorded as SUSPENDED and no longer current.
3. At such time as Mr. Britt shall seek reinstatement of his license, consistent with this Order, he shall be responsible for any fees that may be required for the reinstatement of his license prior to issuance of his license to resume practice.
4. At such time as Mr. Britt shall petition the Board for reinstatement of his license, a hearing will be convened to determine whether he is able to return to the safe and competent practice of professional nursing.
5. This Order shall be applicable to Mr. Britt's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia.

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



ENTERED

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, Virginia 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.