

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       ARLENA BROWN, L.P.N.**  
**License No.: 0002-066137**

**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 September 16, 2013, in Henrico County, Virginia, to inquire into evidence that Arlena Brown, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia.. The case was presented by James E. Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Brown was present and was not represented by legal counsel. 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. Arlena Brown, L.P.N., was issued License No. 0002-066137 to practice practical nursing by the Virginia Board of Nursing on April 28, 2003. Said license is set to expire on November 30, 2013. Ms. Brown also held a certificate to practice as a nurse aide in Virginia that is expired. Her primary state of residence is Virginia.

2. During the course of her employment with Sentara Nursing and Rehabilitation Center, Hampton, Virginia, Ms. Brown forged prescriptions for Percocet (oxycodone, Schedule II) for herself using the prescription pad of a facility physician. Ms. Brown filled the prescriptions at different pharmacies on September 4 and September 8, 2012, by presenting photo identification, and attempted to fill another prescription on October 5, 2012.

3. Sentara Nursing and Rehabilitation Center terminated Ms. Brown's employment on October 19, 2012, for forging the prescriptions. Sentara Nursing and Rehabilitation Center had previously issued Ms. Brown a disciplinary action for absenteeism and a second disciplinary action for a standard of care issue.

4. Ms. Brown testified at the formal hearing that she had previously been addicted to Vicodin (hydrocodone, Schedule III) and Percocet. Ms. Brown testified that she enrolled in the Health Practitioners' Monitoring Program ("HPMP") on August 12, 2013, and submitted a PRN physician progress report from the HPMP dated September 10, 2013. She testified that she entered the HPMP because she needed help for her substance abuse; however, she also testified that she is not addicted to medication. She further stated that she attends Narcotics Anonymous meetings regularly. Finally, Ms. Brown testified that her date of sobriety is October 15, 2012, and she later testified that her last prescription for Percocet was in May 2013.

5. Ms. Brown testified that her driver's license was stolen in 2011, and that the stolen license was used to pick up the prescriptions in 2012. She also stated that she never reported the license being stolen to the police.

### CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (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. 0002-066137 issued to Arlena Brown, L.P.N., to practice practical nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon proof that Ms. Brown has entered into a Recovery Monitoring Contract with the HPMP and upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:

a. Ms. Brown shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Brown, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Brown is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

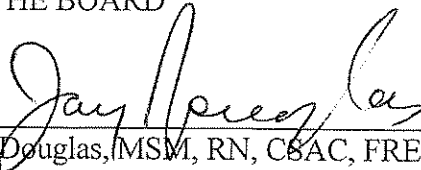
2. Upon receipt of evidence of Ms. Brown's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Brown's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

3. This Order shall be applicable to Ms. Brown's multistate licensure privileges, if any, to practice practical nursing. It is further ordered that for the duration of this Order, Ms. Brown may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

4. Ms. Brown shall maintain a course of conduct in her capacity as a practical 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.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

October 1, 2013

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, 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.