

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: ESTHER N. CARTER, C.N.A.**  
**Certificate Number: 1401-147136**  
**Expiration Date: August 31, 2016**  
**Case Number: 175393**

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**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing ("Board") regarding your certificate to practice as a nurse aide in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before an Agency Subordinate of the Board.
<b>DATE AND TIME:</b>	<b>November 9, 2016 at 1:00 p.m.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your certificate, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

### **Board's Review of Agency Subordinate's Recommended Decision**

If you **appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

### **ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

### **RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

### **INFORMAL CONFERENCE MATERIALS:**

Enclosed is a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

### **FILING DEADLINES:**

1. Deadline for filing exhibits: **November 2, 2016**. Submit Five copies of all documents you want the Board to consider to Brenda Krohn, R.N., M.S., Deputy Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Brenda Krohn, R.N., M.S., Deputy Executive Director, at the above address: November 2, 2016. NOTE: the failure to object to exhibits does not deprive you of the right to contest their contents at the proceeding.

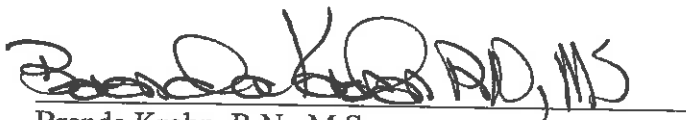
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**STATEMENT OF ALLEGATIONS**

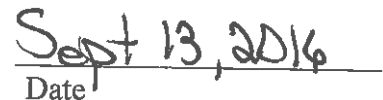
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The Board alleges that:

1. At all times relevant hereto, Esther N. Carter, C.N.A., was certified to practice as a nurse aide in the Commonwealth of Virginia.
2. Ms. Carter violated Term Number 1(a) of the Board's Order entered April 27, 2016, which required her to obtain a mental health evaluation within 90 days of entry of the Order or by July 26, 2016 ("Board's Order"), in that she failed to obtain the mental health evaluation.
3. Ms. Carter violated Term 1(f) of the Board's Order, which required her to have written reports sent to Board office, with the first report due 60 days of entry of the Order, in that Ms. Carter fail to have written reports submitted to the Board office.
4. Ms. Carter violated Term 1(i) of the Board's Order, which required her to provide a copy of the Order to her treating providers and execute an *Authorization for Disclosure of Information* form providing for unrestricted communication between the Board, Compliance, and any treatment providers, in that Ms. Carter failed to execute the disclosure form and return it to the Board office.
5. Ms. Carter violated Term 1(j) of the Board's Order, which required her to submit a self-report to the Board on or about June 26, 2016, in that she submitted the self-report early, on or about June 7, 2016.



Brenda Krohn, R.N., M.S.  
Deputy Executive Director  
Virginia Board of Nursing

  
Date