

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ESTHER CARTER, C.N.A.
Certificate No.: 1401-147136**

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 March 23, 2016, in Henrico County, Virginia, to inquire into evidence that Esther Carter, C.N.A., may have violated certain laws governing nurse aide practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Carter 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. Esther Carter, C.N.A., was issued Certificate No. 1401-147136 to practice as a nurse aide in the Commonwealth of Virginia on August 11, 2011. Said certificate is set to expire on August 31, 2016.
2. On June 21, 2010, Ms. Carter was involuntarily committed to Centra Health, Virginia Baptist Hospital, Lynchburg, Virginia ("Virginia Baptist"), for inpatient psychiatric treatment following a suicide attempt where she jumped off of an eight-foot deck onto the pavement below. Ms. Carter was diagnosed with major depression with psychotic features.
3. On February 1, 2011, Ms. Carter was involuntarily admitted to Virginia Baptist by temporary detention order and diagnosed with paranoid schizophrenia and possible schizoaffective disorder, depressed phase.

4. On February 22, 2014, Ms. Carter was admitted to Virginia Baptist by temporary detention order and diagnosed with psychosis and paranoid schizophrenia.

5. On May 18, 2015, Ms. Carter was admitted to Virginia Baptist for depression and anxiety disorder. At discharge on May 26, 2015, her prognosis was identified as guarded given her multiple episodes of psychosis.

6. Ms. Carter testified that when she feels anxiety, she takes her medication. She told the Board that her hospitalizations have been connected to a bad marriage with her ex-husband and her sister's sudden passing. She told the Board that if she ever felt like her anxiety was becoming out of control she would call her son or call 911.

7. Ms. Carter offered three letters of reference on her behalf, one from her case manager, one from a psychiatric nurse practitioner who had seen her, and one from a coworker. Her case manager and her psychiatric nurse practitioner supported her return to the profession, with the nurse practitioner stating that she believes Ms. Carter can practice safely and responsibly in her profession.

8. Ms. Carter's son testified that Ms. Carter's health has improved since she divorced her ex-husband and that she has been stable since the last hospitalization in 2015, which occurred after Ms. Carter's sister passed away.

9. Ms. Carter told the Board that she has a good support system in her son, friends, and church, including a group that meets on a weekly basis. Ms. Carter further stated that she now lives in a new neighborhood where she feels safe.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact Nos. 2 through 5 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

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

follows:

1. Esther Carter, C.N.A., is hereby placed on PROBATION for one year of actual nursing employment subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Carter has completed one year of active practice in employment as a certified nurse aide ("practice employment").
 - b. The certificate of Ms. Carter shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400.9 et seq. of the Code.
 - c. Ms. Carter shall have an evaluation by a mental health specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 90 days from the date this Order is entered. Ms. Carter shall comply with any recommendations of the specialist. If therapy is recommended, written progress reports by the therapist shall be sent to the Board until Ms. Carter is discharged from therapy. Ms. Carter shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.
 - d. Performance Evaluations shall be provided to the Board, at the direction of Ms. Carter, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.
 - e. Ms. Carter shall practice only in a structured / supervised practice employment setting satisfactory to the Board for one year of probation. This employment setting shall provide on-site supervision by a physician, licensed nurse practitioner, professional nurse, licensed practical nurse, who works the same shift

and works on the same level of the building, and holds an unrestricted license. For all current practice employment, and before beginning or changing practice employment during this period, Ms. Carter shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

f. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. Many of the required report forms are available on the Board's website for convenience.

g. Ms. Carter shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Carter shall provide a contact name, address, and phone number for each practice employer to the Board.

h. Ms. Carter shall inform all current and future practice employers that the Board has placed her on probation under terms and conditions and Ms. Carter shall provide each practice employer with a complete copy of this Order. If Ms. Carter is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation under terms and conditions.

i. Ms. Carter shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any/or consultants designated by the Board, if applicable.

j. Ms. Carter shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports must be submitted whether Ms. Carter has current practice

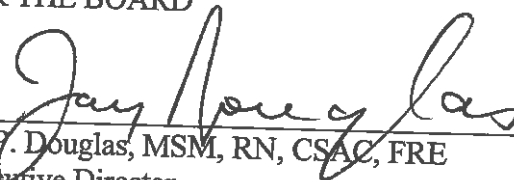
employment or not.

2. Ms. Carter shall conduct herself certified nurse aide in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

3. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the certificate of Ms. Carter, and an administrative proceeding may be held to determine whether her certificate shall be suspended or revoked.

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

April 27th, 2016

ENTERED

Certified True Copy

By drabam
Virginia Board Of Nursing

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, MSM, RN, CSAC, FRE, 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.