

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: CARMEN C. BORGES, R.N. REINSTATEMENT APPLICANT**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on December 1, 2010, in Henrico County, Virginia, to receive and act upon Carmen C. Borges’ application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Borges may have violated certain laws governing nursing practice in Virginia. Ms. Borges was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Carmen C. Borges, R.N., was issued License No. 0001-191588 to practice professional nursing in the Commonwealth of Virginia on July 21, 2004. Said license was suspended by Order of the Board entered on March 7, 2007. Ms. Borges’ primary state of residence is Virginia.
2. Ms. Borges submitted an application for reinstatement of her license to practice professional which was received by the Board on July 27, 2010.
3. By letter dated October 28, 2010, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Borges notifying her that an informal conference would be held on December 1, 2010. The Notice was sent by certified and first class mail to 9409 Alameda Avenue, Richmond, Virginia 23294, the address of record on file with the Board of Nursing.

4. On January 24, 2009, Ms. Borges was convicted of misdemeanor prescription fraud in the Circuit Court of the County of Chesterfield, Virginia.

5. Ms. Borges admitted to an addiction to narcotic medication.

6. Ms. Borges stated that she worked while she was impaired, but never deprived any of her patients of their pain medications.

7. Ms. Borges stated that she has not worked as a professional nurse since 2006.

8. Ms. Borges stated that she attends a weekly Narcotics Anonymous meeting on Friday night. Ms. Borges does not have a sponsor, but is actively seeking one.

9. Ms. Borges enrolled into the Health Practitioners' Monitoring Program ("HPMP") and signed a Participation Contract on August 11, 2010.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

3. Based on the above Findings of Fact, the Committee concludes that Ms. Borges is properly enrolled in the Health Practitioners' Monitoring Program ("HPMP").

4. Ms. Borges has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

#### **ORDER**

On the basis of the foregoing Findings of Fact and Conclusions of Law, the Committee hereby ORDERS that the license of Carmen C. Borges, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby REINSTATED contingent upon Ms. Borges' compliance with the following terms and conditions:

1. Ms. Borges shall enter into and shall comply with all terms and conditions of the HPMP for the period specified by the program.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Borges, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Borges shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Borges is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Borges involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Borges has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Borges' participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Borges' appearance before the Board and conduct an administrative review of this matter.

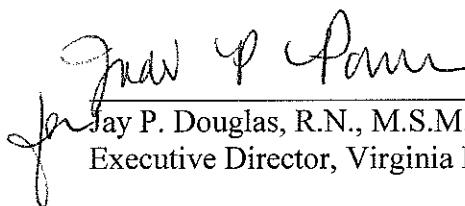
3. This order shall be applicable to Ms. Borges' multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Borges shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Borges wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

4. Ms. Borges is hereby REPRIMANDED

5. Ms. Borges shall maintain a course of conduct in her capacity as a professional 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 COMMITTEE

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

ENTERED: December 20, 2010

**NOTICE OF RIGHT TO FORMAL HEARING**

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.