

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHRISTOPHER C. CARTER, L.P.N.
License Number: 0002-086490
Case Number: 169407

RATIFICATION AND ORDER

On July 20, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. CHRISTOPHER C. CARTER, L.P.N. was not present nor was he represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Virginia Code § 54.1-2400(K), the Board considered whether to disclose or not disclose Mr. Carter's health records or health services.

Since Mr. Carter failed to appear at the informal conference, this Order shall be considered final. Mr. Carter has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Carter has thirty days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD

Gloria Mitchell-Lively
per Jay Douglas, M.S.M, R.N., C.S.A.C., C.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

July 28, 2016

Certified True Copy

By *[Signature]*
Virginia Board of Nursing

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jodi P. Power, R.N., J.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on April 26, 2016 in Henrico County, Virginia, to inquire into evidence that CHRISTOPHER C. CARTER, L.P.N. may have violated certain terms and conditions of an Order of the Board entered November 22, 2011 and certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Mr. Carter did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated March 29, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Carter notifying him that an informal conference would be held on April 26, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The Notice sent by certified mail and the Notice sent by first class mail were returned to the Board marked “moved, left no address; unable to forward”. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Mr. Carter and the informal conference proceeded in his absence.

Recommended Findings of Fact and Conclusions of Law

1. CHRISTOPHER C. CARTER, L.P.N. was issued License Number 0002-086490 to practice practical nursing on January 31, 2012, which is scheduled to expire on August 31, 2016. At all times relevant to the allegations herein, said license was in full force and effect. His primary state of residence is Virginia.

2. By Order of the Board entered on November 22, 2011 (“Board’s Order”), Mr. Carter was reprimanded and his application for licensure by endorsement was approved contingent upon his entry into and remaining compliant with the Health Practitioners’ Monitoring Program (“HPMP”). Said action was based on findings that Mr. Carter had three convictions in the State of Tennessee for driving while under the influence (“DUI”).

3. Mr. Carter’s license to practice practical nursing in the State of Tennessee was revoked on June 8, 2010, based upon his third DUI conviction and being discharged from the Tennessee Professional Assistance Program for noncompliance in January 2009.

4. Mr. Carter entered a Participation Contract with the HPMP on December 12, 2011. He entered 18 Recovery Monitoring Contracts between 2012 and 2015.

5. CHRISTOPHER C. CARTER, L.P.N. violated Virginia Code § 54.1-3007(6) and Term Number 1(b) of the Board’s Order in that:

a. From August 13-18, 2015, Mr. Carter was hospitalized via a temporary detaining order at New River Valley Medical Center, Christiansburg, Virginia, for major depressive disorder and voicing suicidal thoughts, after relapsing on alcohol. By his own admission, Mr. Carter relapsed on July 4, 2015, and continued drinking alcohol until August 9, 2015.

b. Mr. Carter tested positive for alcohol on August 5, 2015, and reported his relapse to the HPMP on August 19, 2015. He was placed on predissmissal status and required to enter an intensive outpatient treatment program. Mr. Carter had an assessment at Blue Ridge Behavioral Healthcare on September 8, 2015, and was placed in weekly group therapy until there was availability in the intensive outpatient treatment program. In October 2015, subsequent to the late submission of his September monthly report, Mr. Carter was advised that any further noncompliance would result in the request for his dismissal from the program. On October 7, 2015, Mr. Carter submitted an abnormal screen (high creatinine), and was required to submit a witnessed screen on October 12, 2015; the result was negative. On November 25, 2015, Mr. Carter failed to call the test line and reported that he was out of his routine on that day. On February 5, 2016, Mr. Carter was dismissed from the HPMP while on predissmissal status, for continued noncompliance in failing to comply with the toxicology screening program.

6. Mr. Carter violated Virginia Code § 54.1-3007(5) in that on February 21, 2014, he was terminated from Watauga Recovery Centers, Inc., for poor performance after a two-year employment. On July 28, 2015, Mr. Carter was terminated from the Veterans Care Center after a two-month employment, due to substandard practice including failing to transcribe a physician's order, failing to initiate a treatment order for a resident's skin alteration and leaving medication at a resident's bedside.

7. As of the date of the informal conference, Mr. Carter had not re-entered the HPMP. His last employment information indicated that he was working in a non-nursing capacity.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. CHRISTOPHER C. CARTER, L.P.N. is REPRIMANDED.
2. The license issued to CHRISTOPHER C. CARTER to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
3. The license of CHRISTOPHER C. CARTER will be recorded as SUSPENDED.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. Should CHRISTOPHER C. CARTER seek reinstatement of his license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on CHRISTOPHER C. CARTER to demonstrate that he is safe and competent to return to the practice of practical nursing. Mr. Carter shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on May 18, 2016
By Jodi P. Power, R.N., J.D.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing