



COMMONWEALTH of VIRGINIA

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

August 1, 2011

Christopher Carter, L.P.N. Applicant
26281 Northridge Road
Meadowview, Virginia 24361

CERTIFIED MAIL
71969008911101622551

Dear Mr. Carter:

0002-86490

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **September 1, 2011, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will consider your application for licensure by endorsement as a practical nurse and will inquire into allegations that you may have violated certain laws and regulations governing practical nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(7) of the Code in that your license to practice practical nursing in the State of Tennessee was revoked on or about June 8, 2010. Pursuant to § 54.1-2408 of the Code, you may be disqualified from licensure in Virginia in that the State of Tennessee has not reinstated your license to practice in that state.
2. You may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice nursing due to substance abuse, as evidenced by your three convictions for driving under the influence, the latest having occurred in April, 2010, and your dismissal from the Tennessee Professional Assistance Program in January, 2009.
3. You may have violated § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing in that on your application for licensure to practice

practical nursing in Virginia, dated April 29, 2011, you answered "no" to the question whether you had a chemical dependency condition which could interfere with your current ability to practice nursing, when, in fact, you were convicted of driving under the influence twice in 2006 and once in 2010, and you were dismissed from the Tennessee Professional Assistance Program in January, 2009, for non-compliance.

The burden rests on you, as the applicant, to demonstrate that you meet the requirements of § 54.1-3021 of the Code.

After consideration of all information, the agency subordinate may:

- Approve your application for licensure by endorsement;
- Recommend to the Board that your application be approved with a reprimand, a monetary penalty, or terms and conditions, which may include placing you on probation.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia (and applicants). Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

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 move the case to 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. 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.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original 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.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite

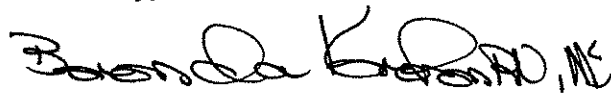
300, Richmond, VA 23233, by August 25, 2011. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on September 1, 2011. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on August 25, 2011. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after August 25, 2011, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4614.

Sincerely,



Brenda Krohn, R.N., M.S.
Deputy Executive Director
Nurse Aide Registry Manager

BK/fdb
Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Agency Subordinate
Peggy Wood, Monitoring Program Manager