

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           CHELSEY S. CARTER, L.P.N.**  
**License No.: 0002-077084**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on October 5, 2011, in Henrico County, Virginia. Chelsey S. Carter, L.P.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 16, 2011, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Carter was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Chelsey S. Carter, L.P.N., was issued License No. 0002-077084 to practice practical nursing in Virginia on November 5, 2007. The license is scheduled to expire on September 30, 2013. Her primary state of residence is Virginia.
2. By letter dated June 9, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Carter notifying her that an informal conference would be held on October 5, 2011. The Notice was sent by certified and first class mail to 2023 Clinton Avenue, S.E., Roanoke, Virginia 24013, the address of record on file with the Board of Nursing.

3. During the course of her employment with Eastwood Assisted Living, Roanoke, Virginia, from November 2010 to January 2011, Ms. Carter diverted hydrocodone (Schedule III) and oxycodone (Schedule II) pills from resident supplies for her own personal and unauthorized use, and replaced the pills that she diverted with Tylenol (acetaminophen). On some occasions, Ms. Carter administered Tylenol to residents for pain instead of their prescribed narcotic medications. Further, she falsely documented administering the medications to the residents. Ms. Carter's employment was terminated on January 25, 2011.

4. Ms. Carter admitted to having an addiction to narcotic pain medications and that she diverted medications from two previous places of employment.

5. Ms. Carter entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on February 8, 2011. She completed the intensive outpatient treatment program at Lewis Gale Behavioral Health on March 31, 2011. Ms. Carter participated in two aftercare programs and attends Alcoholics Anonymous meetings three times a week. In a report dated September 20, 2011, the HPMP reported that Ms. Carter was in full compliance with her Recovery Monitoring Contract and that she was approved to look for work on September 2, 2011. Ms. Carter reported that she has been offered a nursing position which has been approved by the HPMP and she is waiting for her new Recovery Monitoring Contract.

6. On July 7, 2011, in the Circuit Court of the City of Roanoke, Ms. Carter pled guilty to obtaining Lortab by fraud, a felony, based on the diversion from Eastwood Assisted Living. The court deferred further proceedings and placed Ms. Carter on supervised probation with terms and conditions. She was also ordered to pay court costs of \$993.00 within twelve months. If she fulfills the terms and conditions, the court will find her guilty of interfering with the property rights of another, a misdemeanor.

**CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Chelsey S. Carter, L.P.N., is hereby REPRIMANDED.

2. The Board shall TAKE NO FURTHER ACTION against Chelsey S. Carter, L.P.N., contingent upon her remaining in compliance with terms and conditions of the HPMP.

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

a. Ms. Carter 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. Carter involving a violation of law or regulation or any term or condition of this Order; or

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

4. This Order is applicable to Ms. Carter's multistate licensure privileges, if any, to practice

practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Carter shall not work outside of 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 she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

5. Ms. Carter shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Carter may, not later than 5:00 p.m., on December 26, 2011, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

**Certified True Copy**

By Jamara Farmer  
**Virginia Board of Nursing**

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

ENTERED: November 23, 2011

This Order shall become final on December 26, 2011, unless a request for a formal administrative hearing is received as described above.