

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: NADIRA CAREY, L.P.N.
License No.: 0002-078222**

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 January 12, 2016, in Henrico County, Virginia. Nadira Carey, L.P.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 23, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate Ms. Carey 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. Nadira Carey, L.P.N., was issued License No. 0002-078222 to practice practical nursing in Virginia on June 4, 2008. Said license expired on April 30, 2014, was renewed on November 10, 2014, and is currently scheduled to expire on April 30, 2016. Her primary state of residence is Virginia.
2. By letter dated December 17, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Carey notifying her that an informal conference would be held on January 14, 2016. The Notice was sent by certified and first class mail to P. O. Box 1494, South Boston, Virginia 24592, the address of record on file with the Board of Nursing. As of January 12, 2016, the USPS website indicated that the certified mail was waiting at the post office; the first class mail was not returned to the

Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Carey and the informal conference proceeded in her absence.

3. During the course of her employment at Sentara Woodview Assisted Living Facility, South Boston, Virginia:

a. On May 20, 2015, Ms. Carey diverted Lortab tablets (hydrocodone, C-II) for her personal and unauthorized use. Ms. Carey also removed the narcotic count sheet and falsely documented that the drugs were removed for destruction.

b. On May 22, 2015, on a reasonable cause drug screen, Ms. Carey tested positive for benzodiazepines, cocaine, opiates and tetrahydrocannabinol, for which she did not have valid prescriptions.

c. Ms. Carey refused to provide an additional specimen for confirmation results and she was told that refusal to be tested is considered a positive result.

4. Ms. Carey began employment at Woodview on April 27, 2015, and her employment was terminated on May 22, 2015.

5. Ms. Carey began employment at Senior Citizens Home, Inc., on March 8, 2013, and her employment was terminated on November 4, 2014.

6. Ms. Carey practiced nursing at Senior Citizens Home, Inc., Henderson, North Carolina, from May 1, 2014 to November 4, 2014, without a valid license.

7. On the employment application with Sentara Woodview dated April 12, 2015, Ms. Carey falsely indicated that she left her employment at Senior Citizens Home, Inc., due to relocation, when, in fact, her employment was terminated on November 4, 2014.

8. On the employment applications with Senior Citizens Home, Inc., dated February 21, 2013, and Halifax Regional Health System dated May 23, 2007, Ms. Carey answered "no" to the

question "have you ever been convicted of a crime," when, in fact, she has several convictions as indicated below.

9. On January 27, 1999, in the District Court of Granville County, North Carolina, Ms. Carey was convicted of larceny and possession of stolen goods/property, both misdemeanors involving moral turpitude.

10. Ms. Carey failed to respond to requests for an interview by the Department of Health Professions investigator.

CONCLUSIONS OF LAW

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

2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(5) and (6) of the Code.

3. Finding of Fact No. 5 constitutes a violation of §§ 54.1-3007(3), 54.1-3008(2) and 54.1-3011(C) of the Code.

4. Findings of Fact Nos. 7 and 8 constitute a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

5. Finding of Fact No. 9 constitutes a violation of § 54.1-3007(4) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Nadira Carey, L.P.N., is hereby REPRIMANDED.
2. License No. 0002-078222 of Nadira Carey, L.P.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Carey shall petition the Board for reinstatement of her license, an


administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Carey 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.

5. This suspension applies to any multistate privilege to practice practical nursing.
6. Ms. Carey shall pay a MONETARY PENALTY of \$100.00 to the Board prior to the reinstatement of her license.

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.

Since Ms. Carey failed to appear at the informal conference, this Order shall be considered final. Ms. Carey 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, Ms. Carey has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. 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 (3) days are added to that period.

FOR THE BOARD


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

Certified True Copy

By 
Virginia Board of Nursing

Entered: March 31ST, 2016