

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: NADIRA FATIMA TIASHA CAREY, L.P.N. REINSTATEMENT APPLICANT**  
**License Number: 0002-078222**  
**Case Numbers: 177611, 172173**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on September 20, 2017, in Henrico County, Virginia, to receive and act upon Nadira Fatima Tiasha Carey’s application for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia and to inquire into evidence that grounds may exist to deny said application.

Nadira Fatima Tiasha Carey, L.P.N., did not appear at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated June 22, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Carey notifying her that a formal administrative hearing would be held on July 20, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. At Ms. Carey’s request, the matter was continued, and by letter dated August 16, 2017, the Board sent an Amended Notice of Hearing to Ms. Carey notifying her that the hearing would be held on September 20, 2017. The Notice was sent by certified and first class mail to the legal address of record. According to the United States Postal Service tracking website, the Amended Notice sent by certified mail was delivered on August 18, 2017. The Amended Notice sent by first class mail was not returned to the Board

office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Carey and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

### **FINDINGS OF FACT**

1. On February 2, 2015, the Board issued License Number 0002-078222 to Nadira Fatima Tiasha Carey to practice practical nursing in the Commonwealth of Virginia. Said license was indefinitely suspended by Order of the Board of Nursing entered March 31, 2016. The Board's Order was based on findings that during the course of her employment at Sentara Woodview Assisted Living Facility in South Boston, Virginia, she diverted hydrocodone, a schedule II narcotic, for her personal and unauthorized use and a reasonable cause drug screen performed by Sentara was positive for benzodiazepines, cocaine, opiates, and tetrahydrocannabinol, for which she did not have valid prescriptions.

2. On November 28, 2016, Ms. Carey submitted an application for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia.

3. During the course of her employment with Piney Forest Nursing Home, Danville, Virginia ("Piney Forest"):

a. On February 14-15, 2016, she diverted hydrocodone (C-II) and oxycodone (C-II) pills for her own personal and unauthorized use. She accomplished this diversion by removing the medications from the medication cart and removing the corresponding narcotic count sheets to hide the diversion. During the facility investigation, Ms. Carey refused to consent to a comprehensive urine drug screen.

b. On more than one occasion, Ms. Carey was observed by coworkers exhibiting signs of impairment including odd behavior and slurred speech.

4. During the course of her employment with Roxboro Healthcare and Rehabilitation Center, Roxboro, North Carolina (“Roxboro”), on October 30, 2015, she diverted controlled substances for her own personal and unauthorized use. She accomplished this diversion by removing the medication from the medication cart and removing or destroying the corresponding declining inventory sheets to hide the diversion.

5. On her June 12, 2015 employment application for Roxboro, she falsely indicated that she left her employment at Senior Citizens Home, Henderson North Carolina (“SCH”), due to “no shifts available” when, in fact, her employment was involuntarily terminated on November 4, 2014.

6. On her November 2, 2015 employment application for Piney Forest, she falsely indicated that she left her employment at SCH due to “family health and sick child” when her employment was involuntarily terminated.

7. On September 15, 2017, in the General Court of Justice, Superior Court Division, of Person County, North Carolina, upon entering an Alford plea acknowledging that the State had sufficient evidence for a finding of guilty, Ms. Carey was found guilty of misdemeanor larceny in relation to her theft of controlled substances from Roxboro. She was sentenced to 45 days’ incarceration, suspended. She was also ordered to pay restitution to Roxboro in the amount of \$240.00, along with court costs, and ordered not to go onto Roxboro’s premises.

8. On her application for employment with Roxboro, Ms. Carey omitted her employment with Woodview, which had been terminated for failure to cooperate with an investigation into possible drug diversion.

9. As the applicant Ms. Carey had the burden to demonstrate she is safe and competent to practice practical nursing and she did not appear.

### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a), 3(b), and 4 constitute a violation of Virginia Code § 54.1-3007(2), (5) and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c) effective February 24, 2017) (“Regulations”).

2. Findings of Fact Nos. 5 and 6 constitute a violation of Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(e) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(e) effective February 24, 2017).


3. Ms. Carey has not demonstrated that she is able to resume the safe and competent practice of nursing.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS that the application of Nadira Fatima Tiasha Carey, L.P.N., for reinstatement of her license to practice practical nursing is DENIED. Further, it is ORDERED that the license be CONTINUED on INDEFINITE SUSPENSION for a period of not less than one year. Should she petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether Ms. Carey is able to return to the safe and competent practice of nursing. Ms. Carey shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

FOR THE BOARD

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

ENTERED AND MAILED ON:

October 10<sup>th</sup>, 2017

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P.

Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia

23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By   
Virginia Board Of Nursing