

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: NICHELE CARPENTER, C.N.A.
Certificate No.: 1401-103317**

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 29, 2015, in Henrico County, Virginia. Nichele Carpenter, C.N.A., was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Carpenter 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. Nichele Carpenter, C.N.A., was issued Certificate No. 1401-103317 to practice as a nurse aide in Virginia on April 30, 2004. The certificate is scheduled to expire on May 31, 20016.
2. By letter dated October 5, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Carpenter notifying her that an informal conference would be held on October 29, 2015. The Notice was sent by certified and first class mail to 180 Louisa Drive, Apt. #20, Newport News, Virginia, 23601, the address of record on file with the Board of Nursing. The Notice was also sent to 11108 Tarry Town Court, Newport News, Virginia 23601, a secondary address. According to

the United States Postal Service the Notice sent by certified mail to the address of record, was still in transit, and the Notice sent to the secondary address was returned to the Board office on October 14, 2015, marked “Unable to Forward.” As of October 29, 2015, the Notices sent to the address of record and the secondary address had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Carpenter and the informal conference proceeded in her absence.

3. On February 3, 2015, during the course of her employment with Newport News Rehabilitation and Nursing Center, by her own admission, Ms. Carpenter used the incorrect method to transfer Resident A, who was non-weight bearing on the lower extremities. She used a sit-to-stand lift, when Resident A required a Hoyer lift, with an assistant.

4. Ms. Carpenter stated to the investigator for the Department of Health Professions (“investigator”) that she made a mistake. She should have used the special Hoyer lift with a sling to transfer the resident. She also stated that she should have refused the resident’s request to be toileted and had gotten the charge nurse.

5. On February 16, 2015, Ms. Carpenter’s employment with Newport News Rehabilitation and Nursing Center was terminated.

6. The executive director for the facility stated to the investigator that Ms. Carpenter was a very good certified nurse aide and that she hated to terminate her, due to the facility’s zero tolerance policy for improper transfer techniques. The executive director stated that Ms. Carpenter was highly regarded by the residents and staff.

CONCLUSIONS OF LAW

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

ORDER


WHEREFORE, it is hereby ORDERED as follows:

1. Nichele Carpenter, C.N.A., is hereby REPRIMANDED.
2. Ms. Carpenter shall maintain a course of conduct in her capacity as a certified nurse aide 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.

Since Ms. Carpenter failed to appear at the informal conference, this Order shall be considered final. Ms. Carpenter 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. Carpenter 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 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

Entered: February 4, 2016

Certified True Copy

By 

Virginia Board Of Nursing