

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       CARROLL JO ROBERTS, L.P.N.**  
**License No.: 0002-052965**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 21, 2014, in Henrico County, Virginia, to inquire into evidence that Carroll Jo Roberts, L.P.N., may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Roberts was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Carroll Jo Roberts, L.P.N., was issued License No. 0002-052965 to practice practical nursing in the Commonwealth of Virginia on June 14, 1996. Said license expires on November 30, 2014. Ms. Roberts' primary state of residence is Virginia.
2. During the course of her employment as the shift supervisor with the English Meadows Senior Living Community, Christiansburg, Virginia:
  - a. On April 12, 2013, following a loss of electrical power to two rooms whose residents were on oxygen, Ms. Roberts failed to call maintenance and she failed to take any necessary steps to ensure continued delivery of oxygen, either via portable devices or moving the residents to other rooms. Ms. Roberts was aware that one of the rooms did not have electricity for at least two hours. Despite being the

supervisor that night, Ms. Roberts failed to realize the second room was without power for two hours. Ms. Roberts failed to document any monitoring of the residents during the 2.5-hour time period they were without oxygen.

b. On March 5, 2013, and March 14, 2013, Ms. Roberts failed to document the administration of a PRN medication to a resident. At the hearing, Ms. Roberts admitted to making these mistakes.

c. On December 23, 2012, Ms. Roberts administered a medication to a resident at an incorrect time. At the hearing, Ms. Roberts admitted to making the error because she was unaware of the change in the medication.

3. On her November 16, 2012, application for employment with English Meadows Senior Living Community, Ms. Roberts failed to disclose that her previous employment with the Virginia Veterans Care Center had been terminated for attendance issues and disruptive behavior. Ms. Roberts testified at the hearing that she verbally told someone at English Meadows, but admitted to failing to report it on the paper application.

4. Ms. Roberts has been previously diagnosed with bipolar disorder, for which she does not receive any treatment to this Order.

5. Ms. Roberts testified that she has dealt with anxiety and depression but is not currently being treated for any symptoms. Ms. Roberts provided further information regarding her medical history which the panel considered in closed session, as listed in the confidential attachment.

6. On July 1, 2008, the Board entered an Order imposing no sanction on Ms. Roberts for findings regarding disruptive and erratic behavior in the workplace as well as documentation concerns.

7. April Morris, Administrator for English Meadows facility, testified that there are trainings on how to handle an emergency situation such as a power outage. Evidence revealed that the policies for English Meadows were not followed in the situation referred to in Finding of Fact 2(a).

**CONCLUSIONS OF LAW**

The Board concludes that:

1. Findings of Fact Nos. 2(a) through 2(c) constitute a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.
3. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

**ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0002-052965 issued to Carroll Jo Roberts to practice practical nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.
2. The license of Ms. Roberts will be recorded as SUSPENDED. Should Ms. Roberts seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license privilege prior to issuance of her license to resume practice.
3. This Order shall be applicable Ms. Roberts’ multistate licensure privileges, if any, to practice practical nursing.
4. At such time as Ms. Roberts shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.
5. Said suspension shall be STAYED upon proof that Ms. Roberts has entered into the Health Practitioners’ Monitoring Program (“HPMP”) and upon the condition that she remain compliant with the terms

of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:

a. Ms. Roberts shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Roberts, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Roberts is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

6 Upon receipt of evidence of Ms. Roberts' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Roberts' appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

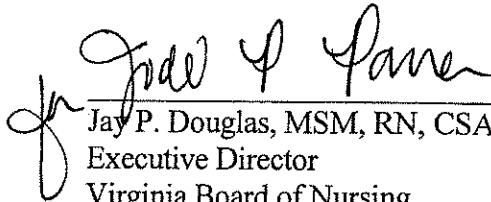
7. This Order shall be applicable to Ms. Roberts' multistate licensure privileges, if any, to practice practical nursing. It is further ordered that for the duration of this Order, Ms. Roberts may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

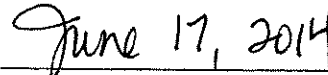
8. Ms. Roberts shall maintain a course of conduct in her capacity as a license practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public

inspection or copying on request.

FOR THE BOARD

  
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Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

  
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ENTERED

**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, R.N., M.S.M., C.S.A.C., 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   
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Virginia Board Of Nursing