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VA BD OF NURSING

VIRGINIA:

0001-244347

**BEFORE THE BOARD OF NURSING**

**IN RE: THERESA CARTER, R.N. APPLICANT**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Theresa Carter, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Carter's application for licensure by endorsement as a professional nurse in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Theresa Carter, R.N., submitted an application for licensure by endorsement as a professional nurse, which was received by the Board on February 13, 2013. Ms. Carter's primary state of residence is California. Ms. Carter currently holds License No. 70219 to practice professional nursing in the state of California. Ms. Carter's license to practice professional nursing in Alabama, License No. 1-080925, expired on December 31, 2008.
2. On July 26, 1996, the Alabama Board of Nursing issued an order placing Ms. Carter on probation for three years, stemming from Ms. Carter's previous criminal behavior and drug use and subsequent treatment.
3. In June 1987, Ms. Carter pled *nolo contendere* in the Circuit Court of Escambia County, Florida, to one count of "Principal to Strong Armed Robbery." Adjudication was withheld by the court while Ms. Carter served eight years of probation with terms, including court-ordered drug treatment, which Ms. Carter successfully completed.

4. On her application for licensure by endorsement to practice professional nursing in Virginia, Ms. Carter answered “NO” to the question asking whether she had ever had any disciplinary action taken against her, despite the action taken by the Alabama Board of Nursing.

5. On her application for licensure by endorsement to practice professional nursing in Virginia, Ms. Carter answered “NO” to the question asking whether she had ever been convicted, pled guilty to, or pled nolo contendere to the violation of any federal, state, or other statute or ordinance constituting a felony or misdemeanor, despite her 1987 *nolo contendere* plea.

6. Ms. Carter’s license to practice professional nursing in California has never been restricted, and her license to practice professional nursing in Alabama was unrestricted after her release from probation in September 1997 through its expiration in 2008.

#### **CONCLUSION OF LAW**

1. Findings of Fact Nos. 4 and 5 constitute violations of § 54.1-3007(1) of the Code of Virginia (1950), as amended (“Code”) and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing.

2. Ms. Carter otherwise meets the requirements of § 54.1-3018 of the Code.

#### **CONSENT**

Theresa Carter, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;

4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusion of Law contained herein and waives her right to contest such Findings of Fact and Conclusion of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her application for licensure by endorsement to practice professional nursing in Virginia.


**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. The application of Theresa Carter for licensure by endorsement as a professional nurse is APPROVED. Ms. Carter shall be issued a license marked “Valid in Virginia Only.”
2. Ms. Carter is REPRIMANDED.
3. Ms. Carter shall maintain a course of conduct in her capacity as a professional 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 upon request.

FOR THE BOARD

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

ENTERED: May 20<sup>th</sup>, 2013

SEEN AND AGREED TO:

Theresa Carter  
Theresa Carter

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF \_\_\_\_\_, TO WIT:

Subscribed and sworn to before me, \_\_\_\_\_, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

My commission expires \_\_\_\_\_.

Registration Number \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

State of California  
County of RIVERSIDE  
Subscribed and sworn to (or affirmed) before me  
on this 13 day of MAY, 2013.  
by TERESA CARTER  
proved to me on the basis of satisfactory evidence  
to be the person(s) who appeared before me.

Cintia Silvia Santoro  
Signature of Notary Public  
CINTIA SILVIA SANTORO.



Certified True Copy  
By [Signature]  
Virginia Board Of Nursing