

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: CARLA CARY, L.P.N.
License No.: 0002-076415**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on February 4, 2015 in Henrico County, Virginia, to inquire into evidence that Ms. Cary may have violated certain laws and regulations governing practical nursing practice in Virginia. Ms. Cary was present and was represented by Susan Waddell, Esquire.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Carla Cary, L.P.N. was issued License No. 0002-076415 to practice practical nursing in the Commonwealth of Virginia on August 2, 2007. Said license expires on September 30, 2015. Ms. Cary’s primary state of residence is Virginia.

2. By letter dated November 7, 2014 the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Cary notifying her that an informal conference would be held on December 9, 2014. The Notice was sent by certified and first class mail to P.O. Box 7858, Roanoke, Virginia 24019, the address of record on file with the Board of Nursing. The Notice was also sent to 372 Ray Street, Roanoke, Virginia, 24019, a secondary address. The matter was continued to February 4, 2015, and the continuance letter was sent by certified and first class mail to P.O. Box 7858, Roanoke, Virginia 24019, the address of record on file with

the Board of Nursing. The continuance letter was also sent to 372 Ray Street, Roanoke, Virginia, 24019, a secondary address.

3. During the course of her employment with Friendship Health and Rehab Center, Roanoke, Virginia (“FHRC”), by her own admission, on April 9, 2014, Ms. Cary administered one resident’s medication, which had been withdrawn by another nurse, to a different resident who was not supposed to receive that medication.

4. As a result of Ms. Cary’s error, the resident who received the incorrect medication did not feel very well for the rest of the day, had blood in his urine for the next two days, and had to have labs run to monitor his conditions, which would have otherwise been unnecessary.

5. As a result of this incident, FHRC put Ms. Cary on paid leave on April 10, 2014. Ms. Cary went on leave under the Family and Medical Leave ACT (“FMLA”) on April 15, 2014. When Ms. Cary’s doctor released her from FMLA leave on August 4, 2014, there were no positions available for her at FHCR.

6. Ms. Cary has been diagnosed with major depressive disorder, anxiety, and post-traumatic stress disorder. Ms. Cary is currently seeing a psychiatrist and counselor, and she is maintained on an effective psychiatric medication regimen.

7. Ms. Cary’s psychiatrist stated in a February 4, 2015, letter to the Board that he believed Ms. Cary had improved sufficiently to resume work at a full-time basis.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes 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

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

3. Based on the above Findings of Fact, the Committee concludes that Ms. Cary is a candidate for the Health Practitioners’ Monitoring Program (“HPMP”).

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The Committee shall TAKE NO ACTION at this time, contingent upon Ms. Cary's compliance with the following terms and conditions:

a. Ms. Cary shall enter into the Health Practitioners' Monitoring Program ("HPMP"), pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and shall have proof of entry into a Contract with the HPMP provided to the Board within 45 days of the date this Order is entered.

b. Thereafter, Ms. Cary shall continue to comply with all terms and conditions of the Recovery Monitoring Contract ("Contract") with the HPMP for the period specified in the Contract.

2. This order shall be applicable to Ms. Cary's multistate licensure privilege, if any, to practice nursing. For the duration of this Order, Ms. Cary shall not work outside 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 Ms. Cary wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Cary, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Cary shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Cary has failed to make application to the HPMP;

b. Ms. Cary is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

c. There is a pending investigation or unresolved allegation against Ms. Cary involving a violation of law or regulation or any term or condition of this Order; or

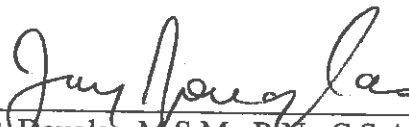
d. Ms. Cary has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Cary's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Cary's appearance before the Board and conduct an administrative review of this matter.

4. Ms. Cary shall maintain a course of conduct in her capacity as a 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Cary may, not later than 5:00 p.m., on March 25, 2015, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:



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

ENTERED: February 20th, 2015

This Order shall become final on March 25, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing