

0001-222552
0002-070083

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ANTHONY S. CARPENTER, L.P.N., R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Anthony S. Carpenter, L.P.N., R.N., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Carpenter's license to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Anthony S. Carpenter, L.P.N., R.N., was issued License No. 0001-222552 to practice professional nursing by the Virginia Board of Nursing on December 22, 2009. Said license is set to expire on June 30, 2012.
2. Mr. Carpenter was issued License No. 0002-070083 to practice practical nursing by the Board on October 18, 2004. Said license is set to expire on June 30, 2010.
3. On September 30, 2009, an informal conference was conducted on behalf of the Board. Pursuant to an Order entered December 1, 2009, the Board found that during the course of his employment as a practical nurse at Friendship Healthcare Center, Roanoke, Virginia, Mr. Carpenter diverted Endocet (oxycodone/APAP, Schedule II), hydrocodone/APAP (Schedule III), hydromorphone (Schedule II), and oxycodone HCL (Schedule II) for his own personal and unauthorized use. Further, Mr. Carpenter admitted to having an addiction to hydrocodone and a long history of depression. No action was taken against Mr. Carpenter's practical nursing license contingent upon compliance with the Health Practitioners' Monitoring Program ("HPMP").

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).

CONSENT

Anthony S. Carpenter, L.P.N., R.N., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he 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 him;
4. He waives all such right to an informal conference;
5. He admits to the Findings of Fact contained herein and waives his right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his right to practice professional nursing in Virginia.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that it shall TAKE NO ACTION against Anthony S. Carpenter, L.P.N., R.N., in his capacity as a professional nurse contingent upon his compliance with the following terms and conditions:

1. Mr. Carpenter shall comply with all terms and conditions of the HPMP for the period specified.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the professional nursing license of Mr. Carpenter, and an administrative proceeding shall be held to decide whether

his license shall be revoked. Mr. Carpenter shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Mr. Carpenter is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP, or
- b. There is a pending investigation or unresolved allegations against Mr. Carpenter involving a violation of law, regulation or any term or condition of probation or this order, or
- c. Mr. Carpenter has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Mr. Carpenter's participation in and compliance with the HPMP, the Board, at its discretion, may waive Mr. Carpenter's appearance before the Board, and conduct an administrative review of this matter.

3. This Order is applicable to Mr. Carpenter's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Carpenter shall 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 he wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Mr. Carpenter shall maintain a course of conduct in his 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 Douglas
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: June 3RD, 2010

SEEN AND AGREED TO:

[Signature]
Anthony S. Carpenter, L.P.N., R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Montgomery, TO WIT:

Subscribed and sworn to before me, Brenda P. Harris, a Notary Public, this 24th day of May, 2010.

My commission expires 9-30-11

Registration Number 155855

Brenda P. Harris
NOTARY PUBLIC

