

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AVANTE V. CARTER, L.P.N.
License No.: 0002-082921

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 August 18, 2014, in Henrico County, Virginia, to inquire into evidence that Avante V. Carter, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. James Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Carter 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. Avante V. Carter, L.P.N., was issued License No. 0002-082921 to practice practical nursing by the Virginia Board of Nursing on July 22, 2010. Said license is set to expire on February 28, 2015. Her primary state of residence is Virginia.
2. During the course of her employment with Trinity Mission of Charlottesville, Virginia, on September 3, 2013, Ms. Carter failed to respond to a resident's request for suctioning of his tracheostomy.
3. Ms. Carter's employment at Trinity Mission was terminated on September 9, 2013.
4. During the course of her employment with Golden Living Assisted Living Facility, Charlottesville, Virginia, on January 25 and 26, 2013, Ms. Carter documented changing a resident's wound dressing when she did not actually do so.
5. Ms. Carter's employment at Golden Living was terminated in February 2013.

6. On June 14, 2005, and October 12, 2007, in the General District Court of Albemarle County, Virginia, Ms. Carter was convicted of petty larceny.

7. On the application for licensure by examination as a practical nurse dated May 25, 2010, Ms. Carter answered "no" to the question, "have you 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," when, in fact, she had the above-referenced convictions.

8. Ms. Carter testified that with regard to the Trinity Mission incident, she asked the oncoming nurse to suction the resident's tracheostomy at the time of the patient's request. Ms. Carter testified that the oncoming nurse agreed to perform the assignment. The nurse's notes revealed that the oncoming nurse performed the task.

9. Ms. Carter expressed remorse and took responsibility for her mistakes.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 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 ("Regulations").

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations.

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

4. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.

ORDER

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

1. Avante V. Carter, L.P.N., is hereby REPRIMANDED.

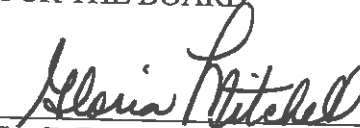
2. Ms. Carter shall provide the Board with verification that she has completed the following NCSBN online courses within 60 days of the entry of this Order: Professional Accountability and Legal Liability for Nurses; Righting a Wrong; Ethics and Professionalism in Nursing; and Sharpening Critical Thinking Skills.

3. Ms. Carter 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.

4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Avante V. Carter, L.P.N., and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.


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

JPD


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

October 3, 2014
ENTERED

Certified True Copy
By 

Virginia Board Of Nursing

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, MSM, RN, CSAC, FRE, 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.