

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

CARROLL ROBERTS, L.P.N.

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, 2008, in Henrico County, Virginia, to inquire into evidence that Carroll Roberts, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in Virginia. The case was presented by Amanda E. Mitchell, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior 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 Roberts was issued License No. 0002-052965 to practice as a practical nurse by the Virginia Board of Nursing on June 14, 1996. Said license is set to expire on November 3, 2008.
2. During the course of her employment as director of nursing at Fairview Home, Dublin, Virginia:
 - a. On February 22, 2003, Ms. Roberts exhibited impaired behavior while on duty. She was erratic, agitated, had rambling speech, was loud and escalated to the point of loss of control. She was also very emotional and crying. During this time, Ms. Roberts was working for approximately 60 hours straight and was involved with discrepancies related to narcotics at the facility. More specifically, she assumed duties related to the controlled substances despite the fact that her job responsibilities were not related to direct involvement with the controlled substances and while involved, she requested staff falsify documents

and prevented staff from completing required documentation related to these substances. Subsequently, she was allowed to resign after discharge.

b. On February 22, 2003, during the day shift, Resident A left the facility. At approximately 1:15 a.m., he was returned to the facility by Emergency Management Service ("EMS"). Ms. Roberts was rude, yelled at the EMS staff, and refused to sign their forms. Further, she faced the resident and yelled, "I'm calling your buddies back to come get you out of here," or words to that effect. Ms. Roberts also told other residents where the police found him.

c. On February 22, 2003, during the 3-11 shift, Ms. Roberts was informed by a medication technician that Resident B was accidentally given lorazepam (Schedule IV) that was ordered for Resident C. Ms. Roberts failed to notify the required parties, including the physician.

d. On February 21, 2003, while Resident D was away from the facility, Ms. Roberts laid in the resident's bed with the covers over her head. When staff persons arrived to check on the resident, Ms. Roberts jumped from under the covers and scared them in the presence of Resident E.

3. Ms. Roberts has been employed at the Virginia Veterans Care Center for the last five years. Her primary supervisor stated that Ms. Roberts "is, and has been, competent in delivery of care to her residents." She also stated that Ms. Roberts "is very committed to her job, as well as to her Alzheimer residents." Ms. Roberts testified that she is under the care of a physician and a mental health counselor for issues related to her father's death.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact #2a constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact #2b constitutes a violation of § 54.1-3007(5) and (6) of the Code.
3. Findings of Fact #2c and #2d constitute violations of § 54.1-3007(5) of the Code.


ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that it shall IMPOSE NO SANCTION against the license of Carroll Roberts, L.P.N., to practice practical nursing in the Commonwealth of Virginia.

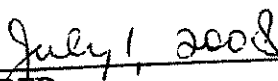
Ms. Roberts shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

FOR THE BOARD



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



ENTERED

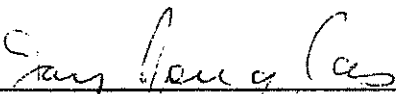
NOTICE OF RIGHT TO APPEAL

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, Richmond, Virginia 23233. The service date shall be

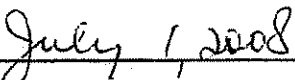
defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to Carroll Roberts, L.P.N., at 520 N. Harless St. N.E., Christiansburg, Virginia 24073-2018.



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



DATE