

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**CARROLL ROBERTS, L.P.N.**

**NOTICE OF HEARING**

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Carroll Roberts, L.P.N., who holds License No. 0002-052965, which expires on November 30, 2008, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on May 21, 2008, at 2:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233, at which time Ms. Roberts will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Roberts has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Roberts desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Ms. Roberts may have violated certain laws and regulations governing nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

**STATEMENT OF PARTICULARS**

The Board alleges that:

1. During the course of her employment as director of nursing at Fairview Home, Dublin, Virginia:

a. Ms. Roberts may have violated § 54.1-3007(6) of the Code in that, on or about February 22, 2003, she 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. Ms. Roberts may have violated § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Board of Nursing Regulations ("Regulations") in that:

i. On or about 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.

ii. On or about 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. Further, she asked another medication technician to falsify the Controlled Substance Record by stating that the pill was wasted.

- iii. On or about February 21, 2003, while Resident D was away from the facility, Ms. Roberts then 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.
2. Ms. Roberts may have violated § 54.1-3007(6) of the Code in that, on or about January 8, 2003, in the Circuit Court of Montgomery County, Virginia, she was convicted of driving while under the influence. She was sentenced to 60 days in jail, with 55 days suspended. Her driver's license was suspended for 12 months and she was ordered to complete the VASAP program. She was also fined \$500, suspended, and ordered to pay court costs.
3. During the course of her employment with Virginia Veterans Care Center, Roanoke, Virginia:
  - a. Ms. Roberts may have violated § 54.1-3007(5) of the Code in that on or about April 28, 2006, she attempted to lift a resident while under a physician's order which restricted her lifting. Lifting of patients violated facility policy on patient care and placed both the resident and Ms. Roberts in danger of injury.
  - b. Ms. Roberts may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that she falsely represented facts on the application for employment dated March 18, 2003, in that she failed to list her DWI conviction.
4. See Confidential Attachment A.

FOR THE BOARD

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

ENTERED: April 25, 2008