



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions

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

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

August 28, 2009

Anthony S. Carpenter, L.P.N.
2807 Garden City Blvd. #205
Roanoke, Virginia 24014

CERTIFIED MAIL
71603901984801630202

RE: VA License No.: 0002-070083
Expiration Date: June 30, 2010

Dear Mr. Carpenter:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **September 30, 2009, at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations") in that on or about February 28, 2009, during the course of your employment with Friendship Healthcare Center, Roanoke, Virginia, you diverted Endocet (oxycodone/APAP, Schedule II), hydrocodone/APAP (Schedule III), hydromorphone (Schedule II), and oxycodone HCL (Schedule II) for your own personal and unauthorized use. You accomplished this diversion by signing out the medications on the controlled substance sheets for various patients, which you did not administer.

2. You may be in violation of § 54.1-3007(6) of the Code in that you may be unable to safely practice due to substance abuse and mental health issues, as evidenced by the following:

a. During the course of your employment with Friendship Healthcare Center, during your 10:00 p.m. to 6:00 a.m. shift on or about February 27-28, 2009, your behavior and appearance indicated impairment. More specifically, you were pale, your eyes were red, your left arm contained red, puncture-like marks, and you were yelling, stumbling and crying. Additionally, you were more nervous and fidgety than usual and continuously went back and forth between the medication room and the restroom during the entire shift, staying in the restroom for prolonged periods of time. The restroom trash can, which had been emptied prior to the arrival of the night shift, was found to contain vinyl gloves, alcohol prep pads and a rubber band. A review of video surveillance also showed you in the medication room exhibiting questionable behavior, including going through all of the drawers and both medication carts, pulling medications and placing them all in one cup. You also removed a syringe, several test strips, and liquid syrup. When asked to submit to a for-cause urine drug screen, you refused.

b. On or about March 30, 2009, during an intake interview with a social worker at VA Medical Center, you admitted an addiction to hydrocodone and oxycodone, and reported a long history of depression.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the

recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

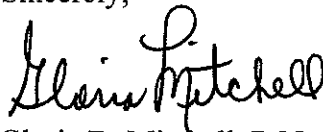
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by September 25, 2009. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on September 30, 2009. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on September 25, 2009. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after September 25, 2009, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office at (804) 367-4576.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions
Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Amanda E. Mitchell, Adjudication Specialist
Denise Sexton, Senior Investigator (Case no. 124523)
Agency Subordinate

Notice of Informal Conference - Anthony S. Carpenter, L.P.N.
Page 4 of 4

Richard Lawrence, Esquire, 1031 First Street, S.W. Roanoke, VA 24016
Peggy Wood, Monitoring Program Manager