

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ANTHONY S. CARPENTER, L.P.N. REINSTATEMENT APPLICANT

ORDER

Pursuant to §§ 2.2-4020, 2.2-4021, 54.1-2400(11) and 54.1-2409 of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before the Board of Nursing ("Board") on May 17, 2006, in Henrico County, Virginia, to receive and act upon the application for reinstatement of the license of Anthony S. Carpenter to practice practical nursing in the Commonwealth, which was mandatorily suspended by the Department of Health Professions on March 6, 2006, pursuant to §54.1-2409 of the Code. The case was presented by Rachel E. Welch, Adjudication Specialist. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Mr. Carpenter was present and was not represented by 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. Anthony S. Carpenter previously held License No. 0002-070083 issued by the Board.
2. Mr. Carpenter's license was mandatorily suspended by the Department of Health Professions on March 6, 2006, pursuant to §54.1-2409 of the Code, due to the suspension of his practical nursing license by Consent Order of the Ohio Board of Nursing entered July 22, 2005, for a period of not less than three years retroactive to March 2005.
3. Mr. Carpenter's application for licensure by endorsement in Ohio was initially granted conditioned upon his entry into a Consent Order dated March 19, 2004, which provided for the indefinite suspension of his license, with said suspension stayed for a period of not less

than three years retroactive to March 2005. This Consent Order was based upon the Ohio Board's finding that Mr. Carpenter failed to disclose that he was convicted on September 6, 2002, of violating Article 112a of the Uniform Code of Military Justice ("Wrongful Possession and Use of a Controlled Substance") for marijuana, and that he failed to disclose his drug conviction in an application filed with the California Board of Vocational Nursing and Psychiatric Technicians. The Ohio Board thereafter entered a corrected Order dated July 22, 2005, suspending Mr. Carpenter's license due to his failure to comply with terms 3 and 4 of the March 19, 2004, Consent Order.

CONCLUSIONS OF LAW

1. Finding of Fact #2 constitutes a violation of § 54.1-3007(7) of the Code.
2. Pursuant to § 54.1-2409 of the Code, Mr. Carpenter's application for reinstatement is properly before the Board, and the Board may order reinstatement of his license upon such terms and conditions as it deems appropriate by an affirmative vote of three-fourths of the members of the Board present.

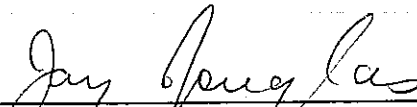
ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board present, effective upon entry of this Order, hereby ORDERS that the application for reinstatement of Anthony S. Carpenter's license to practice as a practical nurse in the Commonwealth of Virginia be APPROVED. The Board further ORDERS that the license issued to Mr. Carpenter shall be valid in Virginia only.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, as amended, 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.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Carpenter has thirty (30) days from the service date 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, 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Mr. Carpenter actually received this decision or the date it was mailed to him, whichever occurred first. In the event this decision is served upon him by mail, three (3) days are added to that period.

FOR THE BOARD

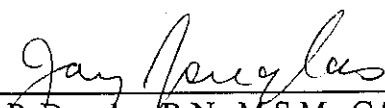


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Board of Nursing

ENTERED: May 26TH, 2006

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Anthony S. Carpenter, at 4620 Buck Run Drive, Apt. A, Roanoke, Virginia 24014.



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

May 26TH, 2006
DATE