

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ELIZABETH A. CARROLL, R.N.

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on July 1, 2010, in Henrico County, Virginia. Elizabeth A. Carroll, R.N., was present and was not represented by legal counsel. Janet B. Younger, Ph.D, R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 15, 2010, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Carroll was not present and was not represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Elizabeth A. Carroll, R.N., was issued License No. 0001-210345 to practice as a professional nurse in Virginia on November 21, 2007. Said license is current and is set to expire December 31, 2010.
2. By letter dated June 10, 2010, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Carroll notifying her that an informal conference would be held on July 1, 2010. The Notice was sent by certified and first class mail to 1901 Caroline Court, Woodbridge, Virginia 22191, the address of record on file with the Board of Nursing.
3. On June 16, 2008, during the course of her employment with Prince William Hospital,

Manassas, Virginia, Ms. Carroll transcribed a telephone order for a patient onto the wrong chart. At the informal conference, Ms. Carroll acknowledged making this error. She stated that at the time she made the error, she was working with a very combative patient, had a huge patient load, and had not had any lunch or breaks. During this time, her spectra link phone rang with a call from a physician that the unit secretary put through to her, with an order for a PEG tube for a patient to be performed the following day. Ms. Carroll indicated that she was in a hurry when she received the order from the physician, and grabbed the wrong patient's chart. She further stated that she gave report to the oncoming nurse with the correct information, and reported that said nurse noticed that the order was written on the wrong chart due to the information the nurse received during report. As a result, the error was caught prior to the implementation of the order, and no patient was adversely affected.

4. During the course of her employment with Prince William Hospital, Manassas, Virginia, the results of a medication audit for the period between February 23, 2009, and March 23, 2009, showed a total of four instances where Ms. Carroll removed narcotic medications from the Pyxis machine without documentation of administration, return or waste of said medications. The audit also revealed one instance where Ms. Carroll documented administration of a medication in the Pyxis records, but failed to document administration in the patient's medication administration records. At the informal conference, Ms. Carroll acknowledged making these documentation errors. There was an additional instance where Ms. Carroll removed narcotic medication from the Pyxis and documented administering the medication, but later deleted the entry and failed to document any waste. Ms. Carroll denied making this error.

5. On March 24, 2009, during the course of her employment with Prince William Hospital, following discovery of the above-referenced medication discrepancies, Ms. Carroll submitted to a for-cause urine drug screen which was positive for marijuana.

6. On April 6, 2009, the Department of Health Professions received a complaint alleging that Ms. Carroll may have violated certain laws and regulations governing the practice of nursing in Virginia. This complaint was based upon the narcotic discrepancies and the positive urine drug screen noted above. Ms. Carroll entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"), pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing HPMP, and on September 14, 2009, HPMP granted Ms. Carroll a stay of disciplinary action regarding said complaint, with the expectation that Ms. Carroll would comply with the terms of her contract. The HPMP Committee met on December 8, 2009, and heard a report that Ms. Carroll was not in compliance with the terms of her contract in that she submitted a specimen for a drug screen that was out of the normal temperature range, and failed to submit to a witnessed specimen that same day. It was also noted that Ms. Carroll failed to submit a hair specimen for testing, failed to contact the test line since December 2, 2009, and failed to attend a substance abuse assessment. Accordingly, the Committee voted to vacate the stay of disciplinary action granted to her in September, 2009, and she was subsequently dismissed from the program.

7. At the informal conference, Ms. Carroll denied dependence on any substance. However, she acknowledged her participation in HPMP, stating that she could not find a job while in the program, and could not financially afford the requirements of the program due to her unemployment. Ms. Carroll further stated that she is currently working as a bartender, employment which was not permissible while she was in HPMP.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) and (8) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(5) of the Code.
3. Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that Elizabeth A. Carroll, R.N., shall be placed on PROBATION for not less than two years of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Carroll has completed two years of active employment as a professional nurse. The license of Ms. Carroll shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.

2. Ms. Carroll shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Carroll shall provide the name and address of each employer to the Board.

3. Ms. Carroll shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Carroll is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

4. Performance Evaluations shall be provided, at the direction of Ms. Carroll, by all nursing employers, as provided by the Compliance Division. The first evaluation must be received in the Board office no later than 60 days from the date this Order is entered or once employed. Subsequent evaluations must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

5. Ms. Carroll shall provide evidence that she has completed the following NCSBN online course within 30 days of entry of the Order: *Documentation: A Critical Aspect of Client Care*.
6. Ms. Carroll shall practice nursing only in a supervised employment setting satisfactory to the Board for the first 18 months after being placed on probation. This employment setting shall provide on-site supervision by a professional nurse who works the same shift, on the same level of the building and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Carroll shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.
7. Ms. Carroll shall have an evaluation by a chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 45 days from the date this Order is entered. Ms. Carroll shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Carroll is discharged from therapy. Ms. Carroll shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.
8. Ms. Carroll shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.
9. Ms. Carroll shall be required to have two supervised, unannounced random drug screens a month, from a Board-approved testing entity, which includes testing for alcohol and the following

drugs of choice: marijuana and opioids. Ms. Carroll shall ensure that the first set of results are received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. Carroll refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

10. Ms. Carroll shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization of Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

11. Ms. Carroll shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

12. Ms. Carroll shall return all copies of her license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order. Upon receipt of the old license and a \$5.00 fee, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

13. Ms. Carroll shall conduct herself as a professional nurse, in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

14. This order shall be applicable to Ms. Carroll's multistate licensure privilege, if any, to practice nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Carroll shall

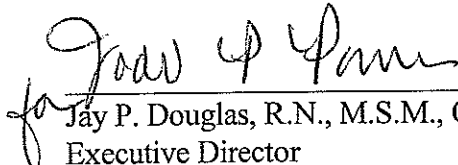
not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Carroll wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

15. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Carroll, and an administrative proceeding shall be held to decide whether her license shall be revoked.

This Order is subject to appeal to the Board. If Ms. Carroll desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



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

Entered: September 21, 2010