

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CRISTIN BANTON, L.P.N.
License No.: 0002-084859

ORDER

In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(7)/(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on August 29, 2013, in Henrico County, Virginia. Ms. Banton was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Banton was not present nor was she 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. Cristin Banton, L.P.N., was issued License No. 0002-084859 to practice practical nursing in Virginia on May 25, 2011. The license is scheduled to expire on September 30, 2014. Ms. Banton's primary state of residence is Virginia.

2. By letter dated August 2, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Banton notifying her that an informal conference would be held on August 29, 2013. The Notice was sent by certified and first class mail to 6245 Godwin Boulevard, Suffolk, Virginia 23432, the address of record on file with the Board of Nursing. The certified mail receipt was not signed, and the Notice was returned to the Board office. The Notice sent by first class mail was not returned to the Board

office. The Agency Subordinate concluded that adequate notice was provided to Ms. Cook, and the informal conference proceeded in her absence.

3. During her employment at Courtland Health and Rehabilitation Center, Courtland, Virginia:

a. On January 14, 2013, Ms. Banton neglected to change a Lidoderm patch for a resident as scheduled, and falsely documented changing it on that date. This was the second incident of her failing to remove a Lidoderm patch as ordered.

b. On January 9, 2013, Ms. Banton ordered dietary supplements, Prostate 64, and NSA Ready Care for a resident without a doctor's order.

4. After hospitalization for mental health issues in October, 2012, Ms. Banton's performance as a nurse deteriorated. Ms. Banton had counseling from her supervisor and was disciplined, and her employment was terminated on January 24, 2013. She had worked at Courtland Health and Rehabilitation Center since June 20, 2011.

5. The Board has no information regarding Ms. Banton's current or prior employment.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(a), (e), and (f) of the Regulations.

3. Finding of Fact No. 4 constitutes probable cause to believe that Ms. Banton may be unable to safely practice nursing due to mental illness.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Cristin Banton, L.P.N., is hereby REPRIMANDED.
2. Pursuant to § 54.1-2400(15) of the Code, Ms. Banton shall have an evaluation by a mental health specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations, sent to the Board within 60 days after the date that this Order is entered. Upon receipt of the required information, the Board may request that Ms. Banton reappear before a Special Conference Committee in order to consider the specialist's recommendations and to make a final disposition of the matter.
3. Ms. Banton 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.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Banton and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

Since Ms. Banton failed to appear at the informal conference, this Order shall be considered final. Ms. Banton has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Banton has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred

first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

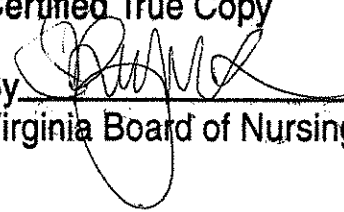
FOR THE BOARD:



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

Entered: November 25, 2013

Certified True Copy

By 
Virginia Board of Nursing