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VIRGINIA:

BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE: **ALTHEA CAROCCI, R.N.**
License No.: 0001-186939

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on June 5, 2013, in Henrico County, Virginia, to inquire into evidence that Althea Carocci, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Carocci was present and was not represented by counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Althea Carocci, R.N., was issued License No. 0001-186939 to practice professional nursing in the Commonwealth of Virginia on August 14, 2003. Said license expires on August 31, 2014. Ms. Carocci held a license to practice professional nursing in the State of Massachusetts that is expired. Ms. Carocci's primary state of residence is Virginia.

2. By letter dated May 9, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Carocci notifying her that an informal conference would be held on June 5, 2013. The Notice was sent by certified and first class mail to 1914 Timberlake Avenue, Richmond, Virginia 23228, the address of record on file with the Board of Nursing.

3. On March 5, 2013, Ms. Carocci was convicted of first offense driving while intoxicated in the Richmond, Virginia, General District Court.

4. From December 18, 2012, to December 24, 2012, Ms. Carocci was treated at MCV Hospital, Richmond, Virginia, for depression, suicidal ideation, and alcohol abuse/dependence.

5. In December, 2012, Ms. Carocci was diagnosed with bipolar disorder by a nurse practitioner she saw for medication management. At the informal conference, Ms. Carocci confirmed that she has bipolar disorder and stated that she is now seeing a psychiatrist every three months.

6. On February 27, 2013, Ms. Carocci's counselor stated to a Department of Health Professions investigator that Ms. Carocci suffers from depression that is debilitating, and her substance abuse is a problem. At the informal conference Ms. Carocci stated that her mental health issues are not debilitating for her while she is compliant with her current medications.

7. On February 18, 2013, during the course of her employment with Skin Surgery Center of Virginia, Henrico, Virginia, Ms. Carocci inadvertently placed a preprinted prescription form in her pocket that was intercepted by a third party roommate. Skin Surgery Center of Virginia terminated Ms. Carocci's employment as a result of the incident.

8. Ms. Carocci further stated that she is currently employed full-time in a non-nursing position. Ms. Carocci stated that her date of sobriety is March 19, 2013. Currently, she is not attending Alcoholics Anonymous because of transportation issues. Ms. Carocci stated that she is willing to enter the Health Practitioners' Monitoring Program.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3, 4, 5, and 6 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(5) of the Code.

CONSENT

Althea Carocci, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0001-186939 of Althea Carocci, R.N., to practice professional nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Carocci shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Carocci shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon proof of Ms. Carocci's entry into the HPMP and continued compliance with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Carocci shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Carocci, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

- i. Ms. Carocci is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Carocci's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Carocci involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Carocci's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Carocci's appearance before the Board and conduct an administrative review of this matter.

7. This Order is applicable to Ms. Carocci's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Carocci shall not work outside of 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. Carocci wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Ms. Carocci shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD:

Jane Ingalls
Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: July 17, 2013

SEEN AND AGREED TO:

Althea Carocci
Althea Carocci, R.N.

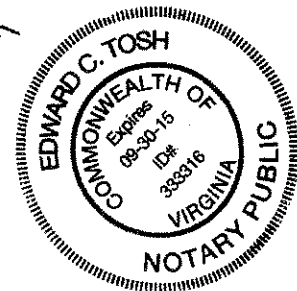
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF _____, TO WIT:

Subscribed and sworn to before me, Edward C. TOSH, a Notary Public, this 28 day of June, 2013.

My commission expires 9/30/2015

Registration Number 333316

Edward C. TOSH
NOTARY PUBLIC



Certified True Copy

By Andrea Butler
Virginia Board Of Nursing