

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: EDWIN RODRIGUEZ, L.P.N. APPLICANT

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on July 31, 2007, in Henrico County, Virginia. Mr. Rodriguez was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

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. Edwin Rodriguez submitted an application for licensure by examination as a practical nurse on November 27, 2006.
2. By letter dated May 7, 2007, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Rodriguez notifying him that an informal conference would be held on July 31, 2007. The Notice was sent by certified and first class mail to 779 West Ocean View, Norfolk, Virginia 23503, the address of record on file with the Board of Nursing.
3. Mr. Rodriguez was convicted of the felony offense of Manufacture, Sell, Distribute or Possess a Controlled Substance with Intent to Manufacture, Sell, or Distribute on November 19, 2002, in the Circuit Court for the City of Virginia Beach, Virginia. He was sentenced to five years incarceration, with all but one suspended.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Mr. Rodriguez otherwise meets the requirements of § 54.1-3020 of the Code.

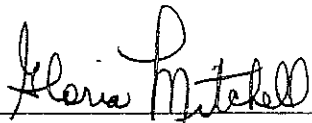
ORDER

WHEREFORE, it is hereby ORDERED that the application of Edwin Rodriguez for licensure by examination as a practical nurse is APPROVED. Upon successful completion of the NCLEX-PN examination, Mr. Rodriguez shall be issued an unrestricted license to practice as a practical nurse in the Commonwealth.

This Order is subject to appeal to the Board. If Mr. Rodriguez desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, he must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Department of Health Professions, 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

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

Entered: August 9, 2007

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Edwin Rodriguez,  
779 West Ocean View, Norfolk, Virginia 23503.

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

August 9, 2007  
DATE

**Certified True Copy**

By Dx 8/9/07  
Virginia Board of Nursing