

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: HARRY ASANJI FON, L.P.N.
LicenseNumber: 0002-075795
Case Number: 174445

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on September 21, 2016, in Henrico County, Virginia, to receive and act upon Harry A. Fon’s application for reinstatement of his license to practice practical nursing in the Commonwealth of Virginia.

Harry Asanji Fon, L.P.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated September 7, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Fon notifying him that a formal administrative hearing would be held on September 21, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On May 18, 2007, the Board issued License Number 0002-075795 to Harry Asanji Fon, L.P.N. to practice as a Licensed Practical Nurse in the Commonwealth of Virginia. Said license was mandatorily suspended by the Department of Health Professions on January 16, 2013. His primary state of residence is Virginia.

2. Mr. Fon also holds License No. 0058381 to practice practical nursing in the state of Oklahoma. That license was suspended by the Oklahoma Board of Nursing on July 26, 2012.

3. On May 24, 2011, the Oklahoma Board of Nursing made a finding that during the course of his employment with Bellevue Care and Rehab Center, Oklahoma City, Oklahoma, on March 9, 2011, Mr. Fon failed to perform and document a focused assessment, complete a facility incident report, or notify the physician, director of nursing, oncoming nurse, and/or family members of a fall by a facility resident. Mr. Fon agreed to a Stipulation, Settlement and Order of the Board for his license to be placed on probation with certain conditions specified in the order.

4. On September 27, 2011 a supplemental order was issued to Mr. Fon to include the terms of the order entered May 24, 2011, be amended to provide Mr. Fon's first self-assessment report will be due 30 days after the receipt of the supplemental order and quarterly there after because Mr. Fon failed to pick up the May 24, 2011 order mailed to him.

5. On May 31, 2012 the Oklahoma Board of Nursing issued an order to appear and show cause to Mr. Fon for alleged violations of the May 24, 2011 and September 27, 2011 orders. Specifically Mr. Fon continue to work as a practical nurse without obtaining an agreement to participate in the probation program for registered nurses and licensed practical nurses.

6. On July 26, 2012 the Oklahoma Board entered an order suspending Mr. Fon's license to practice practical nursing for six months with certain terms and conditions.

7. On May 28, 2013 the Oklahoma Board terminated Mr. Fon's suspension, reinstated his license, ended his probation, and removed the requirement that his practice be supervised.

8. Mr. Fon stated in his interview with the investigator for the Department of Health Professions that he last worked as a nurse in January 2016 for the Southpoint Rehabilitation and Care

Center in Oklahoma City. He stated that he wishes to have a Virginia license reinstated so he can work pursuant to his multistate privilege in the state of Maryland or another compact state.

9. Mr. Fon has no criminal history and there are no other alleged violations of the Nurse Practice Act before the Board.

10. Mr. Fon testified that he has only had this one write up in his career. He told the Board that he did do an assessment of the patient who had fallen referenced in Finding of Fact No. 3, but he admitted that he did not document doing so. He told the Board that he has improved his practice with better documentation and better communication with family members.

11. Mr. Fon told the Board that he is up to date on everything required for his license in Oklahoma.

12. Mr. Fon told the Board that he desires to practice in wound care.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(7).
2. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(2), (5), (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

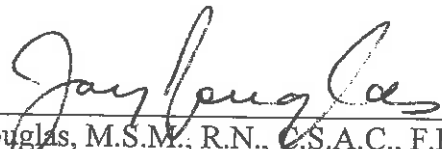
ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the proceeding, effective upon entry of this Order, ORDERS as follows:

1. The license issued to Harry Asanji Fon, L.P.N., to practice as a Licensed Practical Nurse in the Commonwealth of Virginia is REINSTATED without restriction.
2. Harry Asanji Fon, L.P.N., shall comply with all laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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 Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

October 20th, 2016

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy
By 
Virginia Board Of Nursing