

Certified True Copy

By [Signature]
Virginia Board of Nursing



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JUN 14 2017

COMMONWEALTH of VIRGINIA VA BD OF NURSING

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

June 14, 2017

Sylvia K. Frank, R.N.
3200 Quaker Rd
Quinton, VA 23141

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 6/14/17

RE: License Number: 0001-233038
Case Number: 180849

Dear Ms. Frank:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your license to practice professional nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered June 13, 2017. You are hereby advised that you may not practice professional nursing or hold yourself out as a licensed professional nurse unless and until the Board of Nursing has notified you in writing that your license has been reinstated. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your license, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at www.dhp.virginia.gov/Nursing.

If you have any questions about this matter, you can contact me at (804) 367-4474 or anne.joseph@dhp.virginia.gov.

Sincerely,

[Signature]

Anne Joseph, Deputy Director
Administrative Proceedings Division

cc: Jay P. Douglas, Executive Director, Board of Nursing
Enclosures

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: SYLVIA K. FRANK, R.N.
License Number: 0001-233038
Case Number: 180849

ORDER OF MANDATORY SUSPENSION


In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the California Board of Registered Nursing revoked the license of Sylvia K. Frank, R.N., to practice as a registered nurse in the State of California. A certified copy of the Default Decision and Order of the California Board of Registered Nursing is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Sylvia K. Frank, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Sylvia K. Frank, R.N., will be recorded as suspended and no longer current and valid. Should Sylvia K. Frank, R.N., seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Ms. Frank's multistate licensure privilege, if any, to practice professional 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 or copying on request.




David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED:

6/13/17

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Default Decision and Order entered April 11, 2017, regarding Sylvia K. Frank, R.N., is a true copy of the records received from the California Board of Registered Nursing.



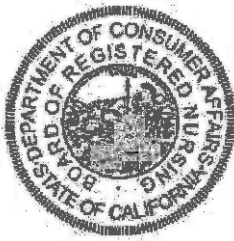
David E. Brown, D.C.

Date: 6/13/17

I hereby certify the foregoing to be a true copy of the documents on file in our office.

BOARD OF REGISTERED NURSING

Joseph L. Morris, PhD, MSN, RN
Executive Officer



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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**SYLVIA KYRA FRANK
3200 Quaker Road
Quinton, VA 23141**

Registered Nurse License No. 95092390

RESPONDENT

Case No. 2017-538

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 31, 2017, Complainant Joseph L. Morris, PhD, MSN, RN, in his official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2017-538 against Sylvia Kyra Frank (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about May 18, 2016, the Board of Registered Nursing (Board) issued Registered Nurse License No. 95092390 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2017, unless renewed.

3. On or about January 31, 2017, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2017-538, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to

1 Respondent's address of record which, pursuant to Business and Professions Code section 136
2 and Title 16, California Code of Regulation, section 1409.1, is required to be reported and
3 maintained with the Board, was and is:

4 3200 Quaker Road
5 Quinton, VA 23141.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
8 124.

9 5. On or about February 28, 2017, the Board of Registered Nursing received the
10 Domestic Return Receipt signed by Respondent for the Accusation served by Certified Mail
11 acknowledging receipt on February 18, 2017.

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
14 notice of defense, and the notice shall be deemed a specific denial of all parts of the Accusation
15 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
16 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service of the
18 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.
19 2017-538.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
22 agency may take action based upon the respondent's express admissions or upon other evidence
23 and affidavits may be used as evidence without any notice to respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board after
25 having reviewed the proof of service dated January 31, 2017, signed by Tram Hoang, finds
26 Respondent is in default. The Board will take action without further hearing and, based on
27 Accusation No. 2017-538 and the documents contained in Default Decision Investigatory
28 Evidence Packet in this matter which includes:

1 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2017-
2 538, Statement to Respondent, Notice of Defense (two blank copies),
3 Request for Discovery and Discovery Statutes (Government Code sections
4 11507.5, 11507.6 and 11507.7), proof of service and mail receipt;

5 Exhibit 2: License History Certification for Sylvia Kyra Frank, Registered Nurse
6 License No. 95092390;

7 Exhibit 3: Out of State Discipline (Virginia State Board of Nursing).

8 The Board finds that the charges and allegations in Accusation No. 2017-538 are separately and
9 severally true and correct by clear and convincing evidence.

10 DETERMINATION OF ISSUES

11 1. Based on the foregoing findings of fact, Respondent Sylvia Kyra Frank has subjected
12 her following license(s) to discipline:

13 a. Registered Nurse License No. 95092390

14 2. The agency has jurisdiction to adjudicate this case by default.

15 3. The Board of Registered Nursing is authorized to revoke Respondent's license(s)
16 based upon the following violations alleged in the Accusation, which are supported by the
17 evidence contained in the Default Decision Investigatory Evidence Packet in this case.

18 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary
19 action by another State Board of Nursing.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 95092390, heretofore issued to Respondent Sylvia Kyra Frank, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 11, 2017.

It is so ORDERED April 11, 2017.



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2017-538

Exhibit A

Accusation No. 2017-538

1 KATHLEEN A. KENEALY
Acting Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
State Bar No. 164015
4 600 West Broadway, Suite 1800
San Diego, CA 92101
5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 738-9431
Facsimile: (619) 645-2061
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-538

13 **SYLVIA KYRA FRANK**
3200 Quaker Road
Quinton, VA 23141

A C C U S A T I O N

14 Registered Nurse License No. 95092390

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Joseph L. Morris, PhD, MSN, RN (Complainant) brings this Accusation solely in his
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board), Department
21 of Consumer Affairs.

22 2. On or about May 18, 2016, the Board issued Registered Nurse License Number
23 95092390 to Sylvia Kyra Frank (Respondent). The Registered Nurse License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on July 31, 2017, unless
25 renewed.

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JURISDICTION

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3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Section 482 of the Code states:
- Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:
- (a) Considering the denial of a license by the board under Section 480; or
 - (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 2761 of the Code states:
- The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
- (a) Unprofessional conduct, which includes, but is not limited to, the following:
...
 - (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

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1 COSTS

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 CAUSE FOR DISCIPLINE

9 (Out-of-State Discipline Against Respondent's Virginia Nursing License)

10 9. Respondent has subjected her license to disciplinary action under section 2761(a)(4) of
11 the Code in that her Virginia nursing license was disciplined by the Virginia Board of Nursing
12 (Virginia Board). The circumstances are as follows:

13 10. On or about August 9, 2016, the Virginia Board of Nursing held an informal
14 conference to inquire into evidence that Respondent may have violated certain laws and
15 regulations governing the practice of nursing in the Commonwealth of Virginia.

16 The Virginia Board made the following Findings of Facts and Conclusions of Law:

17 11. Registered Nurse License Number 0001-233038 was issued to Sylvia K. Frank on
18 August 9, 2011. On or about between April 5, 2014 and June 26, 2014, during her course of
19 employment at John Randolph Medical Center, located in Hopewell, Virginia, Respondent
20 committed the following acts:

21 a. On April 5, 2014, Ms. Frank withdrew a lorazepam 2mg/ml syringe (C-IV) for
22 patient A, documented administering 0.5mg, but failed to document wastage of the remaining
23 medication in the patient's medical record.

24 b. On April 24, 2014, Ms. Frank withdrew a 1mg/1ml syringe of Dilaudid
25 (hydromorphone), (C-II) for patient B. She documented administering 0.5mg, but failed to
26 document wastage of the remaining drug.

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1 c. On April 24, 2014, at 23:39, Ms. Frank withdrew a 1mg/1ml syringe of Dilaudid
2 and documented that she administered 0.5mg to Patient C, but failed to document wastage of the
3 remaining medication.

4 d. On April 24, 2014, at 23:05, Ms. Frank withdrew a Dilaudid 1mg/1ml syringe
5 and documented administering 0.5mg to patient D, but failed to document wastage of the
6 remaining medication.

7 e. On April 30, 2014, Ms. Frank withdrew a Dilaudid 1mg/1ml syringe and
8 documented administering 0.5mg to patient F, but failed to document wastage of the remaining
9 medication.

10 f. On May 1, 2014, at 6:07, Ms. Frank withdrew a 1mg/1ml syringe of Dilaudid
11 and documented administering 0.5mg to patient G. At 20:20, Ms. Frank withdrew 1mg/1ml
12 syringe of Dilaudid and documented administering 0.5mg to patient G. Ms. Frank failed to
13 document any wastage of the remaining medication during her shifts.

14 g. On May 4, 2014, at 22:28, Ms. Frank removed Ativan 0.5mg (C-IV) and
15 documented administering 0.25mg to patient H. On or about May 9, 2014, at 22:09, Ms. Frank
16 removed 0.5mg of Ativan and documented administering 0.25mg to Patient H. Ms. Frank failed to
17 document any wastage of the remaining medication during her shifts.

18 h. On May 10, 2014, at 22:06 and May 11, 2014, at 01:36 and 06:24, Ms. Frank
19 withdrew a Dilaudid 1mg/1ml syringe and documented administering 0.25mg to patient I. Ms.
20 Frank failed to document any wastage of the remaining medications during her shifts.

21 i. The Virginia Board found that the above-acts committed by Respondent
22 violated Virginia Code section 54.1-3007(2) and (5) and (8) 18 VAC 90-20-300(A)(2)(f) of the
23 Regulations governing the practice of nursing.

24 12. On June 26, 2014, Ms. Frank administered Dilaudid 0.5mg, Toradol (C-VI) and
25 OxyIR (C-II) at 02:40 to patient J, who was not assigned to her. Administering all three pain
26 medication at one time was contraindicated due to patient J's low blood pressure and therefore
27 violated Virginia Code section 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(f) of the
28 Regulations.

1 13. On June 27, 2014, during an investigation of a possible drug diversion, Respondent
2 tested positive for meperidine (C-II), for which she did not have a valid prescription. Respondent
3 admitted to the Committee that she obtained the meperidine tablet from her mother-in-law and also
4 admitted that she had poor documentation practices. The Virginia Board found that Respondent's
5 conduct violated Virginia Code section 54.1-3007(5) and (6).

6 14. In an Agreed Order effective August 25, 2016, Respondent's Privilege to Practice
7 Nursing from Virginia was reprimanded, and within 90 days from the date of entry, Respondent
8 was required to provide written proof satisfactory to the Board of successful completion of the
9 following NCSBN course: *Documentation: A Critical Aspect of Client Care*, and undergo a
10 substance abuse evaluation conducted by a Board-approved specialist and comply with all the laws
11 and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 95092390, issued to Sylvia
16 Kyra Frank;
- 17 2. Ordering Sylvia Kyra Frank to pay the Board of Registered Nursing the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
19 section 125.3; and,
- 20 3. Taking such other and further action as deemed necessary and proper.
- 21
22

23 DATED: January 31, 2017

24 *for* Joseph L. Morris
25 JOSEPH L. MORRIS, PHD, MSN, RN
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

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