

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: SYLVIA K. FRANK, R.N.**  
**License Number: 0001-233038**  
**Case Number: 158048**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on August 9, 2016, in Henrico County, Virginia, to inquire into evidence that Sylvia K. Frank, R.N., may have violated certain laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

Sylvia K. Frank, R.N. appeared at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated July 14, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Frank notifying her that an informal conference would be held on August 9, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Sylvia K. Frank, R.N. was issued License Number 0001-233038 to practice professional nursing on August 9, 2011, which is scheduled to expire on June 30, 2018. At all times relevant to the findings contained herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. Sylvia K. Frank, R.N. violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing (“Regulations”) in that between on April 5, 2014, and June 26, 2014, during the course of her employment John Randolph Medical Center, Hopewell, Virginia:
  - a. On April 5, 2014, Ms. Frank withdrew a lorazepam 2mg/ml syringe (C-IV) for Patient A, documented administering 0.5mg, but failed to document wastage of the remaining medication in the patient’s medical record.
  - b. On April 24, 2014, Ms. Frank withdrew a 1mg/1ml syringe of Dilaudid (hydromorphone, C-II) for Patient B. She documented administering 0.5mg, but failed to document wastage of the remaining drug.
  - c. On April 24, 2014, at 23:39 Ms. Frank withdrew a 1mg/1ml syringe of Dilaudid and documented that she administered 0.5mg to Patient C, but failed to document the wastage of the remaining medication.
  - d. On April 24, 2014 at 23:05 Ms. Frank withdrew a Dilaudid 1mg/1ml syringe and documented administering 0.5mg to Patient D, but she failed to document the wastage of the remaining medication.
  - e. On April 30, 2014, Ms. Frank withdrew a Dilaudid 1mg/1ml syringe and documented administering 0.5mg to Patient F, but failed to document the wastage of the remaining medication.
  - f. On May 1, 2014, at 06:07, Ms. Frank withdrew a 1mg/1ml syringe of Dilaudid and documented administering 0.5mg to Patient G. At 20:20, Ms. Frank withdrew 1mg/1ml syringe of Dilaudid and documented administering 0.5mg to Patient G. Ms. Frank failed to document any wastage of the remaining medications during her shifts.

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

h. On May 10, 2014, at 22:06 and May 11, 2014, at 01:36 and 06: 24 Ms. Frank withdrew a Dilaudid 1mg/1ml syringe and documented administering 0.5 mg to Patient I. Ms. Frank failed to document any wastage of the remaining medications during her shifts.

3. Ms. Frank violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that on June 26, 2014, Ms. Frank administered Dilaudid 0.5mg, Toradol C-VI) and OxyIR (C-II) at 02:40 to Patient J, who was not assigned to her. Administering all three pain medications at one time was contraindicated due to Patient J's low blood pressure.

4. Ms. Frank violated Virginia Code § 54.1-3007(5) and (6) in that on June 27, 2014, during John Randolph's investigation of possible drug diversion, she tested positive for meperidine (C-II), for which she did not have a valid prescription. Ms. Frank admitted to the Committee that she obtained the meperidine tablet from her mother-in-law.

5. Ms. Frank admitted to the Committee that she had poor documentation practices. She stated that the unit was often very busy, and she either would have difficulty finding someone to waste with her, or that she would waste the medication but fail to document the wastage.

6. Ms. Frank stated to the Committee that she is currently on leave from her position as a telephone triage nurse. She does not perform any direct patient care.

7. After preliminary investigation, there is probable cause to believe that Ms. Frank is unsafe to practice with reasonable skill and safety to patients due to substance abuse.

## ORDER


Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Sylvia K. Frank, R.N., is REPRIMANDED.
2. Within 90 days from the date of entry of this Order, Ms. Frank shall provide written proof satisfactory to the Board of successful completion of the following NCSBN course: *Documentation: A Critical Aspect of Client Care*. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.
3. Pursuant to Virginia Code § 54.1-2400(15), Ms. Frank shall undergo a substance abuse evaluation conducted by a Board-approved specialist who holds an unrestricted license, and have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any other recommendations sent to the Board, within 90 days of the entry of this Order. Ms. Frank shall provide proof to the Board that she has provided the specialist with a complete copy of this Order. Ms. Frank shall execute all releases necessary for unrestricted communication between the specialist, and the Board and shall bear all costs associated with the evaluation. Upon receipt of the required report, the Board shall conduct a review of this matter and may either schedule an additional administrative proceeding to consider the evaluation and make a final disposition of the matter or close the matter without a further proceeding. **This provision of this Order is not subject to appeal.**
4. Ms. Frank shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.
5. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

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.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Frank's health records or health services.

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: August 25, 2016

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Virginia Code § 54.1-2400(10), Ms. Frank may, not later than 5:00 p.m., on September 27, 2016, notify Jay 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, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on September 27, 2016; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board of Nursing