

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: SYLVIA K FRANK, R.N.
License Number: 0001-233038
Issue Date: August 9, 2011
Expiration Date: June 30, 2016
Case Number: 158048

**NOTICE OF INFORMAL CONFERENCE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an Informal Conference has been scheduled before the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee of the Board of Nursing.
DATE AND TIME:	August 9, 2016 1:00 P.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Refer the matter to the Board of Nursing for a formal administrative hearing;
- Offer you a consent order for suspension or revocation of your license in lieu of a formal hearing.

DEFAULT:

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBIT:

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

1. Deadline for filing exhibits: August 2, 2016. Submit five copies of all documents you want the Board to consider to Dawnyel Towles, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Dawnyel Towles at the above address: August 2, 2016. NOTE: the failure to object to exhibits does not deprive you of the right to contest their contents at the proceeding.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that:

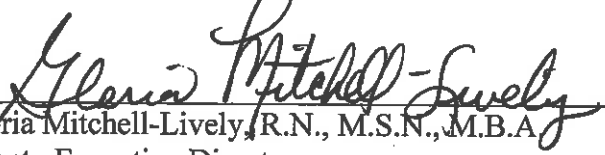
1. At all times relevant hereto, Sylvia K Frank, R.N. was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Sylvia K Frank, R.N. violated Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”) in that between on or about April 5, 2014, and June 26, 2014, during the course of her employment with Advantage R.N., West Chester, Ohio, assigned to John Randolph Medical Center, Hopewell, Virginia, Ms. Frank diverted narcotics and benzodiazepines for her own personal and unauthorized use and falsified patient records, as evidenced by the following:
 - a. On or about 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 or about 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 or about 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 after the pharmacy had discontinued the medication on April 23, 2014, at 14:34.
 - d. On or about 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 or about April 30, 2014, Ms. Frank removed Diazepam 10mg (C-IV) for Patient E, who was ordered 5mg. She failed to document the administration in Patient E's clinical records.
- f. On or about 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.
- g. On or about 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.
- h. On or about 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. Both incidents were after the pharmacy had discontinued the medication on May 4, 2014, at 16:08. Further, Ms. Frank failed to document any wastage of the remaining medications during her shifts.
- i. On or about May 10, 2014, at 22:06 and on or about 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 after the pharmacy had discontinued the medication on May 10, 2014, at 16:13. Further, she 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 or about 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 or about June 27, 2014, during John Randolph's investigation of her possible drug diversion, she tested positive for meperidine (C-II), for which she did not have a valid prescription.

See Confidential Attachment I for the names of the patients referenced above.


Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing

7/14/16
Date