

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: DAMON FRATARCANGELO (f/k/a DAMON DUNN),
 L.P.N. REINSTATEMENT APPLICANT,
 R.N. APPLICANT
 LICENSE NO.: 0002-075188**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on November 16, 2011, in Henrico County, Virginia, to receive and act upon Damon Fratarcangelo's applications for reinstatement of his license to practice practical nursing in Virginia and for licensure by repeat examination to practice professional nursing and to inquire into evidence that Mr. Fratarcangelo may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Anne Glick Joseph, Deputy Director, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. Fratarcangelo was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Damon Fratarcangelo, formerly known as Damon Dunn, was issued License No. 0002-075188 to practice practical nursing in the Commonwealth of Virginia on January 18, 2007. His primary state of residence is Virginia. Said license was suspended by Order of the Board entered March 27, 2009. The suspension was stayed contingent on his compliance with the Health Practitioners' Monitoring Program ("HPMP"; *formerly known as the Health Practitioners' Intervention Program*). Subsequently, on

March 16, 2010, the license was suspended by Order of the Department of Health Professions pursuant to § 54.1-2409 of the Code based on his conviction of three felonies.

2. Mr. Fratarcangelo filed an application for licensure by examination as a professional nurse in July 2008. He failed the licensure examination in October 2008, but passed the examination on his second attempt in January 2010.

3. Mr. Fratarcangelo applied for reinstatement of his practical nurse license and for licensure by repeat examination as a professional nurse in June 2010. A formal hearing was scheduled for September 2010 to address these applications. Mr. Fratarcangelo withdrew his applications when he was convicted of two additional felonies in August 2010. He filed new applications for reinstatement of his practical nurse license and for licensure as a professional nurse in July 2011.

4. Mr. Fratarcangelo has been convicted of the following felony offenses:

a. On January 13, 2010, in the Circuit Court for the City of Newport News, Virginia, he pled guilty to and was convicted of three felony counts of Obtaining Drugs by Fraud, Deceit, or Forgery. These convictions formed the basis for the mandatory suspension of his practical nursing license by the Department of Health Professions on March 16, 2010.

b. On June 15, 2010, in the Circuit Court for the City of Newport News, Virginia, he pled guilty to and was convicted of one felony count of Credit Card Forgery and one felony count of Credit Card Larceny.

5. Mr. Fratarcangelo will be on supervised probation until June 30, 2012 and then must remain on good behavior for ten years. He reports to his probation officer once every three months. His probation officer, current boss, and former counselor all informed the investigator that he has made the necessary changes in his lifestyle and is loyal and hardworking.

6. Mr. Fratarcangelo signed a Participation Contract with the HPMP in August 2011. In this

contract, he acknowledged that he may suffer from the disease of chemical abuse and/or dependency and/or mental illness and/or physical illness that may impair his ability to practice his health profession safely, as evidenced by his chemical abuse issues. Similarly, on his applications for reinstatement of his practical nursing license and for professional nurse licensure, he acknowledged that his physical, mental, or chemical dependency may impair his current ability to practice nursing. At the hearing, he stated that his sobriety date is October 28, 2008.

7. The Intake Coordinator for the Health Practitioners' Monitoring Program ("HPMP") indicated in a memorandum dated November 14, 2011 that Mr. Fratarcangelo signed a Participation Contract with the Program in August 2011, and that he is expected to attend HPMP orientation on November 21, 2011 and sign a Recovery Monitoring Contract at that time. The Intake Coordinator stated that Mr. Fratarcangelo is in full compliance with his Participation Contract. Mr. Fratarcangelo is currently enrolled in HPMP-recommended outpatient treatment. Bruce Shelton, certified substance abuse counselor, submitted a letter in which he gave Mr. Fratarcangelo a positive prognosis if he continues to follow his recovery program.

8. Mr. Fratarcangelo submitted 33 continuing education hours in nursing to the Board.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. By affirmative vote of at least three-fourths of the members of the Board at the hearing, License No. 0002-075188 issued to Damon Fratarcangelo to practice practical nursing in the Commonwealth of Virginia is hereby REINSTATED.

2. The application of Damon Fratarcangelo for licensure by repeat examination as a professional nurse is hereby APPROVED.

3. Mr. Fratarcangelo's licenses to practice practical nursing and professional nursing in the Commonwealth of Virginia are hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon the condition that Mr. Fratarcangelo remains compliant with the terms of the HPMP and the following terms and conditions:

a. Mr. Fratarcangelo shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the licenses of Mr. Fratarcangelo, and an administrative proceeding shall be held to decide whether his licenses shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Mr. Fratarcangelo is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

4. Upon receipt of evidence of evidence of Mr. Fratarcangelo's participation in and successful completion of the terms specified by the HPMP, the Committee, at its discretion, may waive Mr. Fratarcangelo's appearance before the Board and conduct an administrative review of this matter, at which time he may be issued unrestricted licenses.

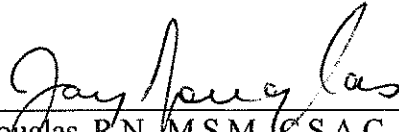
5. This Order shall be applicable to Mr. Fratarcangelo's multistate licensure privileges, if any, to practice practical nursing or professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Mr. Fratarcangelo may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where he wishes to work.

6. Damon Fratarcangelo is hereby REPRIMANDED.

7. Mr. Fratarcangelo shall maintain a course of conduct in his capacity as a practical nurse and as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



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

November 30TH, 2011

ENTERED

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, R.N., M.S.M., C.S.A.C., 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.