

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ANTHONY D. LoDOLCE, L.P.N.
License No.: 0002-073019**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on September 8, 2015, in Henrico County, Virginia. Anthony D. LoDolce, L.P.N., was present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 18, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. LoDolce was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Anthony D. LoDolce, L.P.N., was issued License No. 0002-073019 to practice practical nursing in Virginia on February 23, 2006. The license is scheduled to expire on July 31, 2017. His primary state of residence is Virginia.
2. By letter dated August 12, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. LoDolce notifying him that an informal conference would be held on September 8, 2015. The Notice was sent by certified and first class mail to 9757 Candace Terrace, Glen Allen, Virginia 23060, the address of record on file with the Board of Nursing. The Notice was also sent

to 110 Camelot Circle, Richmond, Virginia 23229, a secondary address.

3. During the course of his employment with Foot and Ankle Care, Richmond, Virginia:
 - a. By his own admission, from March 8, 2012 to February 21, 2015, Mr. LoDolce phoned in fraudulent prescriptions for hydrocodone (C-II) for his personal and unauthorized use.
 - b. On several occasions while on duty, Mr. LoDolce was observed to have an unkempt appearance, was rude and unprofessional and would sleep at his desk and/or in the back room.
 - c. In 2013, Mr. LoDolce failed to cleanse and/or sterilize an injection site prior to administering a patient's Rocephin (ceftriaxone, C-VI) injection and stuck the patient in her arm, through her blouse and jacket.
4. Mr. LoDolce has admitted to a history of substance abuse. Mr. LoDolce reported that his addiction started after he began receiving surgery for ingrown toenails. Subsequently, he began phoning in fraudulent prescriptions and at one point was taking 20-30 pills a day. Mr. LoDolce reported that he has not obtained substance abuse treatment because he could not find a program that would allow him to continue to practice while receiving treatment. Mr. LoDolce reported that he last consumed hydrocodone in February 2015 and that he has been sober from alcohol for two years.
5. On the application for employment with Interim Healthcare dated March 16, 2015, Mr. LoDolce falsely indicated that his reason for leaving Foot and Ankle Care was that the doctor was retiring and closing the office, when, in fact, his employment was terminated.
6. Mr. LoDolce is currently employed at Interim Healthcare of Colonial Heights as a case manager and at the Amazon Fulfillment Center. To date he has not been charged with any criminal offenses related to fraudulent prescription activity but is aware of the possibility.

CONCLUSIONS OF LAW

1. Finding of Fact 3(a) constitutes a violation of § 54.1-3007(2), (3), (5) and (6) of the Code

and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Finding of Fact 3(b) constitutes a violation of § 54.1-3007(5) and (6) of the Code.
3. Finding of Fact 3(c) constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.
4. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
5. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-073019 of Anthony D. LoDolce, L.P.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Mr. LoDolce shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of practical nursing. Mr. LoDolce shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. This suspension shall be STAYED upon proof of entry into the Health Practitioners’ Monitoring Program (“HPMP”) pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Mr. LoDolce 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 license of Anthony D. LoDolce, L.P.N., and an administrative proceeding shall be held to determine whether his license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

- i. Mr. LoDolce is not in compliance with the terms and conditions specified by the HPMP;
- ii. Mr. LoDolce's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Mr. LoDolce involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Mr. LoDolce's participation and successful completion of the HPMP, the Board, at its discretion, may waive Mr. LoDolce's appearance before a Committee and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.


7. This Order is applicable to Mr. LoDolce's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Mr. LoDolce shall 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. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Mr. LoDolce may, not later than 5:00 p.m., on

January 5, 2016, notify 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, in writing that he 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.

FOR THE BOARD:



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

ENTERED:

December 3RD, 2015

This Order shall become final on January 5, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing