

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: ANTHONY DAVID LODOLCE, L.P.N.**  
**License Number: 0002-073019**  
**Issue Date: February 23, 2006**  
**Suspension Date: July 29, 2016**  
**Case Number: 175120**

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**NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your license to practice practical nursing in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board.
<b>DATE AND TIME:</b>	<b>November 14, 2016 11:00 A.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
  
2. At the conclusion of the proceeding, the Board 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;
  - Continue your license on indefinite suspension;
  - Revoke your license.

### ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board 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 Board 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 EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board 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 formal hearing.**

### FILING DEADLINES:

1. Deadline for filing exhibits: October 27, 2016. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **October 27, 2016**. If no objections have been received by **October 27, 2016**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **October 27, 2016**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: October 27, 2016. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **October 27, 2016**. If you have not filed any objections by **October 27, 2016**, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. If you do file objections, the Commonwealth has until **October 27, 2016**, to file a response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

### **REQUEST FOR A CONTINUANCE**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **October 27, 2016**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **October 27, 2016**.

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STATEMENT OF ALLEGATIONS

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The Board alleges that:

1. At all times relevant hereto, Anthony David LoDolce, L.P.N., was licensed to practice practical nursing in the Commonwealth of Virginia.

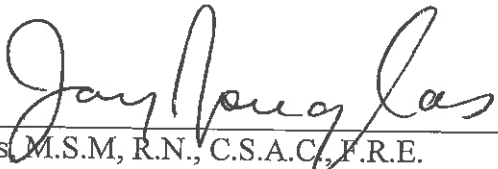
2. Anthony David LoDolce, L.P.N., violated Term Number 5 of the Order of the Board entered December 3, 2015, which suspended his licenses and stayed the suspension contingent on his compliance with the Health Practitioners' Monitoring Program ("HPMP"), in that on or about July 15, 2016, Mr. LoDolce was dismissed from the HPMP for noncompliance with treatment and the toxicology screening program.

3. Mr. LoDolce violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice practical nursing due to substance abuse and/or chemical dependency, as evidenced by the following:

a. On or about April 1, 2016, Mr. LoDolce told his Intensive Outpatient Program Therapist that he had snorted cocaine on or about March 26, 2016.

b. On or about May 26, 2016, Mr. LoDolce submitted a urine drug screen that was positive for EtG (2170 ng/mL)/EtS (674 ng/mL).

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

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

October 13, 2016  
Date