

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ANTHONY DAVID LODOLCE, L.P.N.
License Number: 0002-073019
Case Number: 175120

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on November 14, 2016, in Henrico County, Virginia, to inquire into evidence that Anthony David LoDolce, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia and that he may have violated terms of the Order of the Board entered December 3, 2015.

Anthony David LoDolce, L.P.N., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated October 13, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. LoDolce notifying him that a formal administrative hearing would be held on November 14, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the USPS tracking website, notice of the certified mail was left at Mr. LoDolce’s residence on October 14, 2016, but the Notice was returned to the Board office unclaimed on November 1, 2016 after maximum hold time had expired at the local post office. The Notice sent by first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Mr. LoDolce and the formal hearing proceeded in his absence.

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

FINDINGS OF FACT

1. Anthony David LoDolce, L.P.N., holds License No. 0002-073019 to practice practical nursing in the Commonwealth of Virginia. By Order of the Board entered December 3, 2015 (“Board’s Order”), Mr. LoDolce’s license was indefinitely suspended, with the suspension stayed contingent on certain conditions. The stay of suspension was summarily rescinded on July 29, 2016. Mr. LoDolce’s primary state of residence is Virginia.
2. By Order entered December 3, 2015, the Board indefinitely suspended Mr. LoDolce’s license with the suspension stayed contingent on his entry into and compliance with the Health Practitioners’ Monitoring Program (“HPMP”). The Order was based on findings that Mr. LoDolce had a history of substance abuse, that he had phoned in fraudulent prescriptions for hydrocodone (C-II) while working as a practical nurse, and that he had been impaired at work.
3. Mr. LoDolce entered the HPMP and signed a Participation Contract on December 31, 2015.
4. On April 1, 2016, Mr. LoDolce told his Intensive Outpatient Program Therapist that he had snorted cocaine on March 26, 2016.
5. On May 26, 2016, Mr. LoDolce submitted a urine drug screen that was positive for EtG (2170 ng/mL)/EtS (674 ng/mL).
6. On July 15, 2016, Mr. LoDolce was dismissed from the HPMP for noncompliance with treatment and the toxicology screening program.

7. On August 8, 2016, Mr. LoDolce told an investigator for the Department of Health Professions that he was not willing to re-enter the HPMP and that he had no plans to return to nursing practice.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 4 and 5 constitute a violation of Virginia Code § 54.1-3007(6).
2. Finding of Fact No. 6 constitutes a violation of Term No. 5 of the Board's Order.


ORDER

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

1. The right of Anthony David LoDolce, L.P.N., to renew his license to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than two years from date of entry of this Order.
2. The license of Anthony David LoDolce, L.P.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Mr. LoDolce seek reinstatement of his license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Mr. LoDolce to demonstrate that he is safe and competent to return to the practice of practical nursing. Mr. LoDolce shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.
5. Anthony David LoDolce, L.P.N., is REPRIMANDED.

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.

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 ON:

December 6th, 2016

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 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. 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.

Certified True Copy

By debrahem
Virginia Board Of Nursing