

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: FRANK W. DUDLEY, L.P.N.
License No.: 0002-088915

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 September 14, 2015, in Henrico County, Virginia, to inquire into evidence that Frank W. Dudley, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. James E. Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Frank W. Dudley, L.P.N., was not 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. Frank W. Dudley, L.P.N., was issued License No. 0002-088915 to practice practical nursing by the Virginia Board of Nursing on May 2, 2013. Said license is set to expire on August 31, 2016. His primary state of residence is Virginia.
2. Based upon the representations of Tammie D. Jones and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in his absence.
3. As found by the California Department of Public Health, during the course of his employment as a certified nurse assistant at Blythe Nursing Care Center, Blythe, California, on December 5, 2012, Mr.

Dudley called a resident a derogatory name and kicked her bed. When the resident's roommate became upset and yelled for her daughter, Mr. Dudley told her that her daughter was dead.

4. On November 4, 2013, Mr. Dudley's certificate to practice as a nurse assistant in the State of California was revoked based on the information contained in Finding of Fact No. 3.

5. On the application for licensure as a practical nurse dated April 1, 2013, Mr. Dudley answered "no" to the question, "have you ever been the subject of an investigation by any licensing authority," when, in fact, he was notified by letter on December 20, 2012, of the investigation in California.

6. Mr. Dudley failed to reveal his employment at Blythe Nursing Care Center on the employment applications with Envoy of Lawrenceville dated March 11, 2013, and Community Memorial Health Center dated May 21, 2013.

7. On December 3, 2014, Mr. Dudley's certificate to practice as a nurse aide in Virginia was suspended in accordance with Section 54.1-2409 of the Code based on Finding of Fact No. 4.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 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 Governing the Practice of Nursing ("Regulations").
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(7) of the Code.
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.
4. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

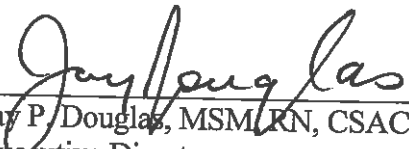
ORDER

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

1. Frank W. Dudley, L.P.N., is hereby REPRIMANDED.
2. License No. 0002-088915 issued to Frank W. Dudley, L.P.N., to practice practical nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than two years.
3. The license of Mr. Dudley will be recorded as SUSPENDED and no longer current. Should Mr. Dudley seek reinstatement of his license consistent with this Order, he shall be responsible for any fees that may be required for the reinstatement of his license prior to issuance of his license to resume practice.
4. At such time as Mr. Dudley shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is able to return to the safe and competent practice of practical nursing.
5. This Order shall be applicable to Mr. Dudley's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia.

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.

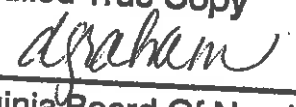
FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing



ENTERED

Certified True Copy
By 

Virginia Board Of Nursing

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, MSM, RN, CSAC, FRE, 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.