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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AUDRA ROTHWELL FRANKLIN, L.P.N.
License No.: 0002-089542

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on August 4, 2014, in Henrico County, Virginia, to inquire into evidence that Audra R. Franklin, L.P.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Franklin was present and was not represented by legal counsel.

By letter dated October 22, 2014, the Board noticed Ms. Franklin for a formal hearing. In lieu of proceeding to a formal hearing, the Board and Ms. Franklin, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Ms. Franklin to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Audra R. Franklin, L.P.N., was issued License No. 0002-089542 to practice practical nursing by the Virginia Board of Nursing on August 14, 2013. Said license is valid in Virginia only and expires on November 30, 2015. Ms. Franklin also holds License No. PN5161018 to practice practical nursing in Florida, which expires on July 31, 2015. Her primary state of residence is West Virginia.
2. By letter dated June 18, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Franklin notifying her that an informal conference would be held on August 4, 2014. The Notice was sent by certified and first class mail to 123 Lone Oak Court, Bunker Hill, West Virginia, 25413, the address of record on file with the Board of Nursing.

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3. During the course of her employment with Envoy of Winchester, Virginia, from August 28, 2013, to January 15, 2014, Ms. Franklin diverted various narcotics for her personal and unauthorized use. She accomplished the diversion by withdrawing medications from resident stock, documenting administration on the Controlled Medication Utilization Record and keeping the medications for herself. On January 16, 2014, Ms. Franklin tested positive for oxycodone, morphine, oxymorphone (all Schedule II) and hydrocodone (Schedule III), for which she did not have valid prescriptions.

4. Ms. Franklin's employment at Envoy of Winchester was terminated on January 21, 2014.

5. On January 23, 2014, during a pre-employment drug screen for Golden Living Center – Rose Hill, Berryville, Virginia, Ms. Franklin tested positive for oxazepam (Schedule IV), for which she did not have a valid prescription.

6. On April 16, 2014, in the Circuit Court of Frederick County, Virginia, Ms. Franklin was indicted on 13 felony counts of possession of oxycodone and 13 felony counts of obtaining drugs by fraud. On September 30, 2014, Ms. Franklin entered a plea agreement and the court deferred disposition. Her next scheduled court appearance is October 8, 2015.

7. At the informal conference, Ms. Franklin stated that she was in pretrial services and was required to submit drug tests every other week. Ms. Franklin also reported that she was not attending Alcoholics Anonymous, Narcotics Anonymous or any other type of support group meeting. She reported being employed at Evergreen Nursing Home and Rehabilitation, Winchester, Virginia.

CONCLUSIONS OF LAW

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

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

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Audra R. Franklin, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0002-089542 of Audra Rothwell, L.P.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Rothwell shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Rothwell 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.

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5. This suspension shall be STAYED upon proof of Ms. Franklin's 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. Ms. Franklin 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 Audra R. Franklin, L.P.N., and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Franklin is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Franklin's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Franklin involving a violation of law, regulation, or any term or condition of this order.

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

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

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8. Ms. Franklin shall maintain a course of conduct in her capacity as a practical 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 upon request.

FOR THE BOARD



Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

Joyce A. Hahn, PhD, RN, NEA-BC-FNF

ENTERED: _____

3-24-15

AKF

SEEN AND AGREED TO:

Audra Franklin
Audra R. Franklin, L.P.N.

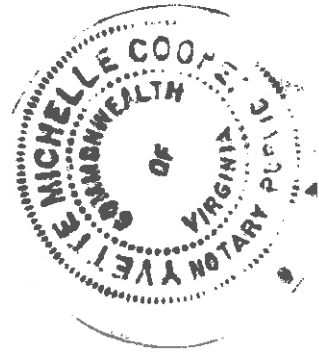
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Winchester, TO WIT:

Subscribed and sworn to before me, Yvette Michelle Cooper, a Notary Public, this 28th day of January, 2015.

My commission expires 11-30-2017.

Registration Number 138727.

Yvette Michelle Cooper
NOTARY PUBLIC



Certified True Copy

By draham
Virginia Board Of Nursing

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