



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

December 3, 2014

Frank Wayne Dudley, Jr.
225 Pinecrest Drive
Madison Heights, VA 24572

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 12/3/14

RE: Certificate No.: 1401-158042

Dear Mr. Dudley:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your certificate to practice as a certified nurse aide in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered December 3, 2014. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate suspended, shall be guilty of a felony. Please return your certificate to Jay Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your certificate, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your certificate shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your certificate, contact Jay Douglas, Executive Director, at the above address or (804) 367-4639.

Sincerely,

David E. Brown, D.C., Director
Department of Health Professions

Enclosures
Case # 159064

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: FRANK WAYNE DUDLEY, JR., C.N.A.
Certificate No.: 1401-158042**

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the certificate of Frank Wayne Dudley, Jr., C.N.A., to practice as a certified nurse assistant in the State of California was revoked by an Order of Revocation of Nurse Assistant Certification dated November 4, 2013. A certified copy of the Order of Revocation of Nurse Assistant Certification is attached to this Order and marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the certificate of Frank Wayne Dudley, Jr., C.N.A., to practice as a certified nurse aide in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the certificate of Frank Wayne Dudley, Jr., C.N.A., will be recorded as suspended. Should Mr. Dudley seek reinstatement of his certificate pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his certificate prior to issuance of his certificate to resume practice.

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



David E. Brown, D.C., Director
Department of Health Professions

ENTERED: 12/3/14_____



COMMONWEALTH of VIRGINIA

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Director

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CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Order of Revocation of Nurse Assistant Certification dated November 4, 2013, regarding Frank Wayne Dudley, Jr., C.N.A., are true copies of the records received from the California Department of Public Health.



David E. Brown, D.C.

Date: 12/3/14



Ron Chapman, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

November 4, 2013

Frank Dudley
[REDACTED]

via Certified and First Class Mail
CNA#: 713786
Investigation Case #: E12-2279

RE: REVOCATION OF NURSE ASSISTANT CERTIFICATION

Dear Mr. Dudley:

The Department of Public Health, Professional Certification Branch, Investigation Section (PCB/IS), is revoking your Nurse Assistant Certification #713786. This action is based on the Department's investigation concerning an allegation that, on or about December 5, 2012, you displayed unprofessional conduct when you kicked a resident's bed and were verbally abusive towards that resident, while you were employed with Blythe Nursing Care Center in Blythe, California. The Department has concluded that this allegation has been substantiated. Each of these actions individually are sufficient to support a revocation of your certificate pursuant to Health and Safety Code, section 1337.9, subsection (c)(1). The effective date of this revocation will be twenty-one (21) BUSINESS days after your receipt of this notice or the date of the decision issued following an administrative appeal hearing requested and held regarding the Department's action.

ADMINISTRATIVE APPEAL HEARING

You may request an administrative appeal hearing to review the proposed action of revocation by submitting a written request to the address listed below within twenty (20) BUSINESS days after receipt of this notice. The administrative appeal hearing process will give you the opportunity to present written and/or verbal responses to the allegations and the proposed action. The administrative appeal hearing must be scheduled within sixty (60) days of receipt of your written request to PCB/IS. If you require additional time, you may request up to thirty (30) calendar days by stating this in your written request for appeal. *(Note: Procedures governing the hearing process are contained in Health and Safety Code, section 1337.9, and to the extent it is not in conflict with this statute, the California Administrative Procedure Act (Government Code section 11500, et seq.)*

You have the right to examine all the evidence against you. You have the right to cross-examine witnesses and, if you represent yourself, you may have subpoenas issued to

LICENSING & CERTIFICATION, PROFESSIONAL CERTIFICATION BRANCH, INVESTIGATION SECTION
MS 3303, P.O. Box 997416, Sacramento, CA 95899-7416
(916) 445-4423 (916) 552-8788 FAX
Internet Address: www.cdph.ca.gov



Frank Dudley
CNA #713786
Case #E12-2279
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compel persons with relevant information to testify at the administrative appeal hearing. You may represent yourself, or an attorney or other representatives may represent you; however, you do not have the right to have an attorney appointed at public expense. If an attorney represents you, it is your attorney's responsibility to issue subpoenas to witnesses who will testify on your behalf. If you represent yourself and would like to subpoena witnesses, please send their names and current addresses along with your request for a hearing. The completed subpoenas will be mailed to you. You must arrange to have the subpoenas served on the witnesses.

If you have any questions, or require further clarification, please contact Investigator Erin Vierra at (916) 445-9126.

Sincerely,



DEBORAH M. DUNN, Chief
Investigation Section
Professional Certification Branch
Licensing and Certification

cc: Riverside District Office

Blythe Nursing Care Center
285 West Chanslorway
Blythe, CA 92225

Frank Dudley
