



COMMONWEALTH of VIRGINIA

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

March 5, 2014

Kenneth Lee Frye
600 Mason Street, Apt. A2
Charlottesville, VA 22902

RE: Certificate No.: 1401-069582

Dear Mr. Frye:

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 3/5/14

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that the privilege to renew your certification to practice as a certified nurse aide in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered March 5, 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 to do so suspended shall be guilty of a felony. Please return your certificate to Jay P. Douglas, Executive Director, 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 P. Douglas, Executive Director, at the above address or (804) 367-4639.

Sincerely,

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

cc: Michael J. Hallahan, Esquire

Enclosures

Case # 155240

Board of Audiology & Speech-Language Pathology – Board of Counseling – Board of Dentistry – Board of Funeral Directors & Embalmers
Board of Long-Term Care Administrators – Board of Medicine – Board of Nursing – Board of Optometry – Board of Pharmacy
Board of Physical Therapy – Board of Psychology – Board of Social Work – Board of Veterinary Medicine
Board of Health Professions

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: Kenneth Lee Frye, C.N.A.
 Certificate No.: 1401-069582**

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 Kenneth L. Frye, C.N.A., was convicted of one (1) felony charge in the Circuit Court of the County of Albemarle, Criminal Side, to wit: One (1) Count of Distribute Cocaine. A certified copy of the Conviction and Sentencing Order is attached to this Order and is 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 privilege of Kenneth Lee Frye, C.N.A., to renew his certificate 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 Kenneth Lee Frye, C.N.A., will be recorded as suspended and no longer current. Should Mr. Frye 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: 3/5/14



COMMONWEALTH of VIRGINIA

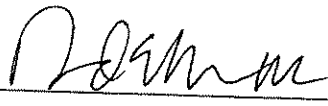
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CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Conviction and Sentencing Order entered December 26, 2013, regarding Kenneth Lee Frye, C.N.A., is a true copy of the records received from the Circuit Court of the County of Albemarle, Criminal Side.



Date: 3/5/14

David E. Brown, D.C.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ALBEMARLE ON THE
CRIMINAL SIDE THEREOF, HELD ON **DECEMBER 4, 2013.**

PRESENT: HON. **CHERYL V. HIGGINS**

COMMONWEALTH OF VIRGINIA

VS.

KENNETH LEE FRYE

SSN: [REDACTED]
DOB: [REDACTED]
STATUS: bail

Sex: male
Race: black

Case Number	Offense	VCC Code	F/M	Offense Date	Virginia Code Section
12-390	Distribute Cocaine	NAR-3043-F9	F	01/25/2012	18.2-248

Attorney for the Commonwealth: Denise Lunsford

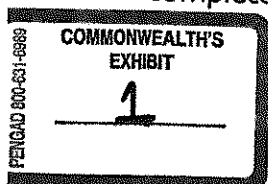
Attorney for the Defendant: Michael Hallahan

The defendant was present with his attorney.

On **August 9, 2012**, the Court found the evidence sufficient to convict the defendant of the above-styled case. The Court on motion of defendants counsel and the Commonwealth Attorney took this matter under advisement and referred the defendant to the Charlottesville-Albemarle Drug Court program on the conditions that the defendant participate in, and successfully complete, said "Drug Court" program.

On **October 31, 2013** the defendant successfully completed the Charlottesville-Albemarle Drug Court program.

The Attorney for the Commonwealth and the



defendant were given the opportunity to present evidence pertaining to sentencing.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reasons why judgment should not be pronounced.

The Court SENTENCED the defendant to incarceration with the Virginia Department of Corrections for the term of ***three years***. The Court SUSPENDED ***three years*** of the sentence.

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: ***three years***

TOTAL SENTENCE SUSPENDED: ***three years***

The suspended portion of the defendant's sentence was suspended on the following conditions:

GOOD BEHAVIOR. The defendant shall be of good behavior and not violate any penal laws of this Commonwealth or any of its political subdivisions for the term of three years from this date.

SUSPENSION OF LICENSE. The defendant's motor vehicle operator's license permit and privilege to drive on the public highways of the Commonwealth of Virginia be suspended for the term of six months.

COURT COSTS. The defendant shall pay Court costs.

This sentence shall run ***consecutively*** to any other sentences imposed.

The Court certifies that at all times during the trial of this case the defendant was personally present and counsel for the defendant was personally present.

ENTER: *Phyllis V. Higgins*
JUDGE

DATE: 12.26.13

a true copy TESTE:
DEBRA M. SHIFF, CLERK
by: *Debra M. Shiff*
Deputy Clerk