

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           ANDREA L. FRANKLIN, C.N.A. REINSTATEMENT APPLICANT**  
**License No.: 1401-120787**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Andrea L. Franklin, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Franklin's application for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia.

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

**FINDINGS OF FACT**

1.       Andrea L. Franklin was issued Certificate No. 1401-120787 to practice as a nurse aide by the Virginia Board of Nursing on September 17, 2007. Said certificate expired on September 30, 2009.
2.       On June 27, 2013, the Board received Ms. Franklin's application for reinstatement of her certificate.
3.       On January 22, 2008, Ms. Franklin was convicted in the United States District Court for the Southern District of Georgia, Statesboro Division, of one count of conspiracy to possess with intent to distribute, and to distribute 50 grams or more of cocaine base and 5 kilograms or more of cocaine hydrochloride, a felony. Ms. Franklin was sentenced to 97 months incarceration. Ms. Franklin was released on November 16, 2011, with five years of supervised probation. Ms. Franklin is required to participate in a program for drug and alcohol testing and must pay \$4,600.00 in fines and costs.
4.       Ms. Franklin has not performed nursing related activities for compensation in over two years and must retake the National Nurse Aide Assessment Program examination.

**CONCLUSIONS OF LAW**

1.       Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code of Virginia (1950), as amended ("Code").

2. Ms. Franklin otherwise meets the requirements of reinstatement of her nurse aide certificate.

**CONSENT**

Andrea L. Franklin, 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 an informal fact finding conference 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 an informal conference;
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 application for reinstatement of her certificate to practice as a nurse aide in Virginia.

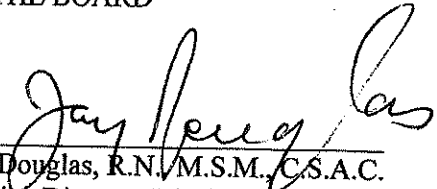
**ORDER**

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. The application of Andrea L. Franklin for reinstatement of her certification to practice as a nurse aide is hereby APPROVED. Upon successful completion of the National Nurse Aide Assessment Program examination, the Board shall issue Ms. Franklin an unrestricted certificate to practice as a nurse aide in the Commonwealth of Virginia.
2. Ms. Franklin is hereby REPRIMANDED.
3. Ms. Franklin shall maintain a course of conduct in her capacity as a nurse aide 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

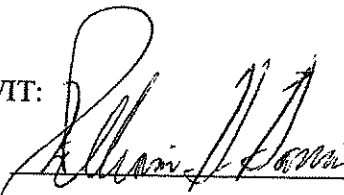
  
Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director, Virginia Board of Nursing

ENTERED: August 12, 2013

SEEN AND AGREED TO:

  
Andrea L. Franklin

COMMONWEALTH OF VIRGINIA,  
COUNTY (CITY) OF Portsmouth, TO WIT:

Subscribed and sworn to before me, , a Notary Public, this 2<sup>ND</sup> day of August, 2013

My commission expires 02 29 2016.

Registration Number 263733.

  
NOTARY PUBLIC

Certified True Copy

By   
Virginia Board Of Nursing