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VIRGINIA:

0001-244659
BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE: ROBERT KELLY, R.N. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Robert Kelly, as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Kelly's application for licensure by endorsement to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Robert Kelly holds License No. RN520560L to practice professional nursing in the State of Pennsylvania. He also holds License No. 26NR15986900 to practice professional nursing in the State of New Jersey. His primary state of residence is Pennsylvania. Mr. Kelly submitted an application for licensure by endorsement to practice professional nursing in Virginia on February 13, 2013.
2. On his application for licensure by endorsement in Virginia, Mr. Kelly answered "no" to the question of whether he had ever had disciplinary action taken against his license in a state. He also answered "no" to the question whether he had ever been the subject of an investigation by any licensing authority. However, by Consent Order entered April 10, 2012, he was assessed a \$250.00 fine to the New Jersey Board of Nursing for failing to disclose on his application for licensure by endorsement that he had been convicted of simple assault on August 14, 1978 in Pennsylvania.
3. Mr. Kelly has had no disciplinary action taken against his Pennsylvania license, which he has held since 1997.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(1) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing.
2. Mr. Kelly otherwise meets the requirements of §§ 54.1-3017 and 54.1-3018 of the Code.

CONSENT

Robert Kelly, by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he 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. He waives all such right to an informal conference;
5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his application for licensure to practice professional 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. The application of Robert Kelly for licensure by endorsement to practice professional nursing is APPROVED. Mr. Kelly shall be issued a single state license marked "Valid in Virginia only."
2. Mr. Kelly is hereby REPRIMANDED.
3. Mr. Kelly shall maintain a course of conduct in his capacity as a professional 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

for Jay P. Douglas
 Jay P. Douglas, R.N., M.S.M., C.S.A.C.
 Executive Director, Virginia Board of Nursing
 ENTERED: June 10, 2013

SEEN AND AGREED TO:

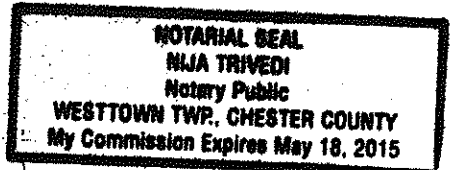
Robert Kelly
 Robert Kelly

COMMONWEALTH OF ~~VIRGINIA~~ ^{PA}
 COUNTY/CITY OF Delaware, TO WIT:

Subscribed and sworn to before me, Nija Trivedi, a Notary Public, this 29th day of May, 2013.

My commission expires May 18, 2015.

Registration Number _____
Nija Trivedi
 NOTARY PUBLIC



Certified True Copy
 By [Signature]
 Virginia Board Of Nursing