

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
April 15, 2013**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:00 A.M., on April 15, 2013 in Board Room 1, Suite 201, Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: John Horn, L.P.N., Chairperson
Louise Hartz, Citizen Member

STAFF PRESENT: Brenda Krohn, R.N., M.S., Deputy Executive Director
Jane Elliott, R.N., Ph.D., Discipline Staff (joined later)

OTHERS PRESENT: James E. Rutkowski, Adjudication Specialist

CONFERENCES

SCHEDULED: **Natasha McCray, C.N.A. 1401-129811; R.M.A. 0031-003316**
Ms. McCray appeared, accompanied by Sharon Simmons, her mother.

CLOSED MEETING: Ms. Hartz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:25 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. McCray. Additionally, Ms. Hartz moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 9:30 A.M.

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION: Ms. Hartz moved to close the case regarding Natasha McCray and impose no sanction due to insufficient evidence of a violation of the Nursing Practice Act or Board of Nursing regulations.

The motion was seconded and carried unanimously.

CONFERENCES

SCHEDULED: **Timothy Torres, C.N.A. Applicant**
Mr. Torres did not appear.

CLOSED MEETING: Ms. Hartz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:37 A.M. for the purpose of deliberation to reach a decision in the matter of Mr. Torres. Additionally, Ms. Hartz moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 9:45 A.M.

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION: Ms. Hartz moved to recommend the Board issue an order to deny Timothy Torres's application to take the Certified Nurse Aide examination.

The motion was seconded and carried unanimously.

This recommendation will be presented to the full Board; if accepted, an Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Mr. Torres unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Torres within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES
SCHEDULED:

Jerry L. Cooke, C.N.A. 1401-136622

Mr. Cooke did not appear.

CLOSED MEETING: Ms. Hartz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:45 A.M. for the purpose of deliberation to reach a decision in the matter of Mr. Cooke. Additionally, Ms. Hartz moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 9:50 A.M.

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hartz moved to issue an order of reprimand to Jerry Cooke.

The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Mr. Cooke unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Cooke within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Susan Kohler, R.N. Reinstatement 0001-184919

Ms. Kohler appeared, accompanied by her attorney, Margaret F. Hardy.

CLOSED MEETING:

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:00 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Kohler. Additionally, Ms. Hartz moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 11:15 A.M.

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hartz moved to issue an order of reprimand and to reinstate the license of Susan Kohler to practice as a registered nurse and issue a license valid in Virginia only.

The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Kohler unless a written

request to the Board for a formal hearing on the allegations made against her is received from Ms. Kohler within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Eboni Reid, C.N.A. Reinstatement 1401-061512

Ms. Reid did not appear.

CLOSED MEETING:

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:20 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Reid. Additionally, Ms. Hartz moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 11:25 A.M.

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hartz moved to refer the case of Eboni Reid to the Board of Nursing or a panel thereof for a Formal Hearing.

The motion was seconded and carried unanimously.

Dr. Elliott joined the meeting for presentation of cases at probable cause.

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING:

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:30 P.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Hartz moved that Dr. Elliott attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 12:45 P.M.

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully

exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Investigative reports concerning (9) registered nurses and (13) practical nurses were reviewed.

ACTION:

Ms. Hartz moved to close (3) of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations. The motion was seconded and carried unanimously.

Mr. Horn moved to close (2) of the above cases undetermined at this time. The motion was seconded and carried unanimously.

Ms. Hartz moved to offer (13) of the above individuals a prehearing consent order in lieu of further administrative proceedings. The motion was seconded and carried unanimously.

Mr. Horn moved that (3) of the above individuals should be scheduled for an informal conference. The motion was seconded and carried unanimously.

Ms. Hartz moved to offer a confidential consent agreement to (1) of the above individuals, in lieu of initiating disciplinary proceedings.

Dr. Elliott left the meeting.

CONFERENCES

SCHEDULED:

Carolyn Shack, L.P.N. Applicant

Ms. Shack appeared, accompanied by her attorney, Margaret F. Hardy.

CLOSED MEETING:

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:24 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Shack. Additionally, Ms. Hartz moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 1:40 P.M.

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hartz moved to recommend the Board issue an order to approved Carolyn Shack's application to take the licensed practical nurse examination and issue a license valid in Virginia only contingent upon successful completion of the state exam, verification of Ms. Shack's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the terms of the monitoring contract with the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

This recommendation will be presented to the full Board; if accepted, an Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Shack unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Shack within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Racheal Cyrus, C.N.A. 1401-137350

Ms. Cyrus appeared, accompanied by Betty and Jimmy Cyrus, her parents.

CLOSED MEETING:

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:02 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Cyrus. Additionally, Ms. Hartz moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:12 P.M.

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hartz moved to issue an order to take no action at this time against Racheal Cyrus, contingent upon her entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the terms of the monitoring contract with the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Cyrus unless a written request

to the Board for a formal hearing on the allegations made against her is received from Ms. Cyrus within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES
SCHEDULED:

Judy Podgornik, R.N. Reinstatement 0001-127055

Ms. Podgornik appeared, accompanied by Sue Birkholder, friend/mentor.

CLOSED MEETING:

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:38 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Podgornik. Additionally, Ms. Hartz moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:46 P.M.

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hartz moved to issue an order to reinstate the license of Judy Podgornik to practice as a registered nurse, and issue an unrestricted license.

The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Podgornik unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Podgornik within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES
SCHEDULED:

Lauretta Crawley, C.N.A., R.M.A. Applicant 1401-019859

Ms. Crawley did not appear.

CLOSED MEETING:

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 3:00 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Crawley. Additionally, Ms. Hartz moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting

is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 3:05 P.M.

Ms. Hartz moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hartz moved to recommend the Board issue an order to reprimand and approved Laretta Crawley's application to take the registered medication aide examination.

The motion was seconded and carried unanimously.

This recommendation will be presented to the full Board; if accepted, an Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Crawley unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Crawley within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

ADJOURNMENT:

The Board adjourned at 3:05 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director