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VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
October 21, 2013

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:12 A.M. on October 21, 2013 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Jane R. Ingalls, RN, PhD; President
Louise D. Hartz, Citizen Member
John M. Horn, LPN
Evelyn Lindsay, LPN
Kelly S. McDonough, DNP, RN
William Traynham, LPN, CSAC

STAFF PRESENT:
Jane Elliott, RN, PhD; Discipline Staff (joined later)
Brenda Krohn, RN, MS; Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT:
Charis Mitchell, Assistant Attorney General
Nursing students from Louise County High School; UVA School of Nursing; and Southampton Memorial School of Practical Nursing

ESTABLISHMENT OF A QUORUM: With six members of the Board present, a quorum was established.

FORMAL HEARINGS: **Leigh Ann Sabbagh, RN 0001-165367**
Ms. Sabbagh did not appear.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceedings.

Allan McDonald,, Senior Investigator, Department of Health Professions; and Dawn France, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:30 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sabbagh. Additionally, Ms. Lindsay moved that Ms. Krohn, Ms. G. Mitchell; Ms. Graham and Ms. C. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:36 A.M.

Ms. Lindsay moved that 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.

Ms. Hartz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing reprimand Leigh Ann Sabbagh and indefinitely suspend her license to practice as a professional nurse for a period of not less than two years and until such time as she can appear before the Board and prove that she is safe and competent to practice. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Regina K. Sparks, RN 0001-168075**
Ms. Sparks did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Andrea Pegram court reporter with Andrea Pegram Court Reporting, recorded the proceedings.

Laura Pezzulo, Senior Investigator, Department of Health Professions; Denise Sexton, Senior Investigator, Department of Health Professions; Margaret Bates, former Executive Director, Carriage Hill Retirement Facility; and Lisa Grow, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:15 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sparks. Additionally, Ms. Lindsay moved that Ms. Krohn, Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:27 A.M.

Ms. Lindsay moved that 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.

Dr. McDonough moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Hartz moved that the Board of Nursing reprimand Regina Sparks and indefinitely suspend her license to practice as a professional nurse for a period of not less than two years and until such time as she can appear before the Board and prove that she is safe and competent to practice.. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:30 A.M.

RECONVENTION: The Board reconvened at 10:40 A.M.

Ms. G. Mitchell left the meeting to attend to other Board business. Dr. Elliott joined the meeting.

FORMAL HEARINGS: **Andrita M. Williams, LPN 0002-081344**
Ms. Williams appeared.

David Kazzie Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceedings.

David Jacobs, Firefighter, Chesterfield Fire/EMS; and Sherry Feeney, mother of patient A were present and testified.

Ms. G. Mitchell rejoined the meeting. Dr. Elliott left the meeting to resume her normal schedule.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:27 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Williams. Additionally, Ms. Lindsay moved that Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:33 P.M.

Ms. Lindsay moved that 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.

Ms. Hartz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing reprimand Andrita Williams. Further, suspend her practical nursing license for six months after which her license will be reinstated and placed on indefinite probation for two years of active employment as a practical nursing with terms and conditions and require Ms. Williams to complete four National Council of State Boards of Nursing online courses: "Professional Accountability and Legal Liability for Nurses"; "Righting a Wrong, Ethics and Professionalism in Nursing"; "Sharpening Critical Thinking Skills for Competence Nursing Practice"; and "Disciplinary Actions, What Every Nurse Should Know" within six months of entry of the order. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 2:40 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director