

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
December 9, 2013**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:32 A.M. on December 9, 2013 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Louise D. Hartz, Citizen Member; Vice President
Allison Gregory, RN, FNP-BC
Louise Hershkowitz, CRNA, MSHA
Evelyn Lindsay, LPN
Kelly S. McDonough, DNP, RN

BOARD MEMBER ABSENT:
Guia Caliwagan, RN, MAN

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT: Erin Barrett, Assistant Attorney General
RN and LPN students from Fortis College and nurse aide students from Family First of Virginia

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

FORMAL HEARINGS: **Diana H. Lucas, RN 0001-115964**
Ms. Lucas did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Theresa Pata, court reporter with Crane Snead Reporting, recorded the proceedings.

Cheryl Hodgson, Senior Investigator, Department of Health Professions; and Marie Cole, RN, Clinical Manager, Medi Home Care and Hospice 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 9:52 A.M., for the purpose of to reach a decision in the matter of Ms. Lucas. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. Barrett 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 10:03 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. Hershkowitz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing indefinitely suspend the professional nursing license of Diana Lucas, but stay the suspension contingent upon proof of entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Program. 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: **Katherine Watson, LPN 0002-063513**

Ms. Watson did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Theresa Pata court reporter with Crane Snead Reporting, recorded the proceedings.

Ashley Moran, Senior Investigator, Department of Health Professions; and Rebecca Britt, 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 10:31 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Watson. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. Barrett 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 10:40 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. Hershkowitz 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 Katherine Watson and continue her practical nursing license on indefinite suspension for a period of not less than two years. 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 10:45 A.M.

RECONVENTION:

The Board reconvened at 11:01 A.M.

FORMAL HEARINGS:

Kesha S. Taylor, CNA 1401-109785

Ms. Taylor did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Theresa Pata, court reporter with Crane Snead Reporting, recorded the proceedings.

John Turner, Senior Investigator, Department of Health Professions; and Christopher Bowers, Intake Coordinator and 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 11:25 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Taylor. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. Barrett 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 11:44 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. Hershkowitz 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. Gregory moved that the Board of Nursing issue a reprimand to Kesha Taylor and to indefinitely suspend the right to renew her nurse aide certification. 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 11:48 A.M.

RECONVENTION: The Board reconvened at 1:00 P.M.

FORMAL HEARINGS: **Ann Marie Cobbler, LPN 0002-068384**
Ms. Cobbler appeared, represented by attorney, Jonathon Joseph.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Theresa Pata, court reporter with Crane Snead Reporting, recorded the proceedings.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 1:01 P.M., for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Ms. Cobbler. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. Barrett 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 1:13 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.

Joyce Shelton-Jones, Senior Investigator, Department of Health Professions was present and testified. Thomas Itoe, LPN testified by telephone.

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 2:10 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Cobbler. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. Barrett 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 2:42 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. Hershkowitz 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. Gregory moved that the Board of Nursing reprimand Ann Marie Cobbler and to place Ms. Cobbler on probation with terms and conditions. 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 2:46 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director