

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
June 9, 2016**

- TIME AND PLACE:** The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:05 A.M., on June 9, 2016 in Training Room 2, Suite 201, Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.
- MEMBERS PRESENT:** Louise Hershkowitz, CRNA, MSHA, Chairperson
Mark Monson, Citizen Member
- STAFF PRESENT:** Gloria Mitchell-Lively, RN, MSN, MBA, Deputy Executive Director
- OTHERS PRESENT:** Anne Joseph, Deputy Director, APD
Carla Boyd, Adjudication Specialist
Steve Bulger, Adjudication Specialist
Ashley Rivera, Antoinette Waller, Sydney Carpenter (Summer Interns)
Linda Kleiner, R.N., Discipline Case Manager (joined later)
- CONFERENCES
SCHEDULED:** **John Elam, LPN 0002-054055**
Mr. Elam appeared, accompanied by his husband, Moad Ismael.
- CLOSED MEETING:** Mr. Monson 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 9:58 A.M. for the purpose of deliberation to reach a decision in the matter of Mr. Elam. Additionally, Mr. Monson moved that Ms. Mitchell-Lively and Ms. Boyd 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 10:31 A.M.
- Mr. Monson 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:** Mr. Monson moved to close the case regarding John Elam and impose no sanction due to insufficient evidence to warrant disciplinary action by the Board of Nursing.
- The motion was seconded and carried unanimously.

CONFERENCES

SCHEDULED:

Markia Little, LPN 0002-083615

Ms. Little appeared accompanied by her friend, Alanna Williams.

CLOSED MEETING:

Mr. Monson 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 11:39 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Little. Additionally, Mr. Monson moved that Ms. Mitchell-Lively and Ms. Boyd 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 12:38 P.M.

Mr. Monson 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:

Mr. Monson moved to issue an Order of reprimand to Markia Little and require she provide proof of completion of the following courses within 90 days of entry of order: *“Documentation: A Critical Aspect of Client Care”* and *“Professional Accountability & Legal Liability for Nurses”*.

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. Little unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Little 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:

Juan Montalvo, LPN 0002-059404

Mr. Montalvo did not appear.

CLOSED MEETING:

Mr. Monson 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 1:35 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Montalvo. Additionally, Mr. Monson moved that Ms. Mitchell-Lively and Ms. Boyd 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 1:55 P.M.

Mr. Monson 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: Mr. Monson moved to refer the matter regarding Juan Montalvo to a Formal Hearing of the Board of Nursing or a panel thereof.

The motion was seconded and carried unanimously.

CONFERENCES
SCHEDULED: **Teresita Mendez-Ozabal, RN 0001-108100**
Ms. Mendez-Ozabal appeared accompanied by her husband Robert Ozabal and her sister Madie Mendez.

CLOSED MEETING: Mr. Monson 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 2:55 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Mendez-Ozabal. Additionally, Mr. Monson moved that Ms. Mitchell-Lively and Mr. Bulger 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 3:01 P.M.

Mr. Monson 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: Mr. Monson moved to close the case regarding Teresita Mendez-Ozabal and impose no sanction due to insufficient evidence of a violation of the Nurse Practice Act or Board of Nursing regulations.

The motion was seconded and carried unanimously.

ADJOURNMENT: The Board adjourned at 3:10 P.M.

Ms. Kleiner joined the meeting for presentation of cases at probable cause.

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Mr. Monson 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 3:10 P.M. for the purpose of deliberation regarding case

disposition. Additionally, Mr. Monson moved that Ms. Kleiner and Ms. Mitchell-Lively 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 3:30 P.M.

Mr. Monson 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 one (1) registered nurse and three (3) licensed practical nurses were reviewed.

ACTION:

Mr. Monson moved to close one (1) of the above cases undetermined at this time.

Mr. Monson moved to offer two (2) of the above individuals a prehearing consent order, in lieu of further administrative proceedings.

Mr. Monson moved that one (1) of the above individuals should be scheduled for an informal conference.

The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board re-adjourned at 3:30 P.M.


Gloria Mitchell-Lively, RN, MSN, MBA
Deputy Executive Director