

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 22, 2008**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 1:10 P.M. on May 22, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**BOARD MEMBERS
PRESENT:** Lynne M. Cooper, Citizen Member, President
Brenda L. Hale, R.N.
Woody B. Hanes, R.N., M.S.N., F.N.P.
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline
Brenda Krohn, R.N., M.S. Deputy Executive Director, Medication Aide Registry
Manager (joined later)
Amy Davis, Administrative Assistant
Donna Lee, Senior Discipline Specialist (joined later)

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General

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

FORMAL HEARINGS: **Joseph J. Obenour, R.N. 0001-201388**
Mr. Obenour appeared, represented by Michael Goodman, Esquire.

James Schliessmann, Assistant Attorney General and Tammie Jones, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Melanie Wyborksi, Potomac Hospital; and Sondra Williams, Potomac Hospital were present and testified.

Ms. Lee joined the meeting. Ms. Davis left the meeting.

RECESS: The Board recessed at 2:40 P.M.

RECONVENE: The Board reconvened at 2:50 P.M.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:00 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Obenour. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Lee and Mr. Casway 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 4:25 P.M.

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

Ms. Hale moved that the Board of Nursing reprimand Joseph Obenour in his practice as a professional nurse. The motion was seconded and carried. Ms. Cooper, Ms. Hale, Ms. Hanes, Ms. Lindsay, and Mr. Logan were in favor of the motion. Ms. Ponn opposed the motion.

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.

Ms. Douglas left the meeting. Ms. Krohn joined the meeting.

FORMAL HEARING: **Serena T. Patterson, L.P.N. 0002-031760**
Ms. Patterson appeared.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Lisa Thomas, Senior Investigator, Department of Health Professions; Melanie Buskie, R.N., Chesapeake Regional Medical Center; Jayne Walden-Kleinknight, R.N., Sentara Virginia Beach General Hospital; Jane Atkinson, R.N., Chesapeake Regional Hospital and Donna Whitney, Health Practitioners Intervention Program Community Outreach Liaison were present and testified.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:05 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Patterson. Additionally, Ms. Hale moved that Ms. Krohn, Ms. Mitchell, Ms. Lee and Mr. Casway 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 approved unanimously.

RECONVENTION:

The Board reconvened in open session at 7:20 P.M.

Ms. Hale 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 approved unanimously.

Ms. Ponn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing indefinitely suspend Serena Patterson's right to renew her practical nursing license until such time as she provides proof of entry into a recovery monitoring contract with the Health Practitioners Intervention Program and upon receipt of such proof the indefinite suspension of her right to renew her license will be stayed, provided she remains compliant with the terms of her recovery monitoring contract.

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.

Ms. Ponn and Ms. Lee left the meeting, Ms. Davis rejoined the meeting.

FORMAL HEARINGS:

Sallie G. Drake, R.N. 0001-117858

Ms. Drake appeared, represented by Matt Zuerding, Esquire; and accompanied by J. Mark O'Shea, L.C.S.W.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Beverly Beck, Department of Health Professions Compliance office was present and testified.

RECESS:

The Board recessed at 9:28 P.M.

RECONVENTION:

The Board reconvened at 9:37 P.M.

Tonya James, Compliance Case Manager, Department of Health Professions and John Mark O'Shea, L.C.S.W. were present and testified.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:27 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Drake. Additionally, Ms.

Lindsay moved that Ms. Krohn, Ms. Davis and Mr. Casway 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 10:55 P.M.

Ms. Hale 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.

Mr. Logan moved to accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

Ms. Lindsay moved to continue Sallie Drake on probation. At the conclusion of one year of satisfactory compliance with the probationary terms, Ms. Drake may petition the Board to be released from probation following a review by a Special Conference Committee.

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 11:00 P.M.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director