

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Monday, May 16, 2011**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:02 A.M. on May 16, 2011 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Patricia M. Selig, R.N., F.N.P., Ph.D., President
Evelyn Lindsay, L.P.N., Secretary
Louise D. Hartz, Citizen Member
Florence Jones-Clarke, R.N., M.S.
Patricia C. Lane, R.N., B.S.N.
Joan Cordle, C.M.T. Advisory Board Member (joined later)

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Nursing students from Fortis College; J. Sargeant Reynolds Community College;
and New Horizons

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

FORMAL HEARINGS:

Deborah S. Lee, L.P.N. 0002-031882
Ms. Lee did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Mary Treta, court reporter, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; Gale Knox, Executive Director, The Hermitage of Richmond; Joanne Marsh, L.P.N., Nurse Manager, The Hermitage of Richmond; Colleen Lobb, Director of Health Services, The Hermitage of Richmond 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 9:48 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lee. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, 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 10:08 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. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Jones-Clarke moved that the Board of Nursing indefinitely suspend the practical nursing license of Deborah Lee for a period of not less than one year and until such time as she appears before the Board and demonstrates sufficient evidence that she is safe to resume 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 10:10 A.M.

RECONVENTION: The Board reconvened at 10:23 P.M.

FORMAL HEARINGS: **Crystal Lynn Bickley, C.N.A. 1401-117254**

Ms. Bickley appeared, represented by Melvin Hill, attorney.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Mary Treta, court reporter, recorded the proceedings.

Lisa Elgin, Senior Investigator, Department of Health Professions; and Kathleen Riddle, daughter of client provided testimony 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 11:54 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bickley. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, 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 12:15 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.

ACTION: Ms. Lindsay moved that the Board of Nursing dismiss the nurse aide case in the matter of Crystal Bickley due to a lack of clear and convincing evidence and further approve the application for registration as a medication aide by examination of Ms. Bickley. The motion was seconded and carried. Ms. Lane, Dr. Selig, Ms. Lindsay and Ms. Jones-Clarke were in favor of the motion. Ms. Hartz 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.

RECESS: The Board recessed at 12:20 P.M.

RECONVENION: The Board reconvened at 1:08 P.M.

FORMAL HEARINGS: **Abdulai W. Timbo, C.N.A. 1401-111477**
Mr. Timbo did not appear.

Corie Tillman Wolf, Assistant Attorney General and Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Mary Treta, court reporter, recorded the proceedings.

Naima Fellers, Senior Investigator, Department of Health Professions; Alie Kamara, R.N., Supervisor; Patrick Mahan, L.P.N. were present and testified. Carole Powell, C.N.A.; and Crysta Fischer, R.N., SANE, Forensic Nurse Examiner, INOVA Fairfax Hospital 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 2:06 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Timbo. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, 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 2:23 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. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Wolf and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing revoke the nurse aide certificate of Abduali Timbo and enter a finding of abuse in the Virginia Nurse Aide Registry. 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 2:26 P.M.

RECONVENTION: The Board reconvened at 2:36 P.M.

Ms. Cordle joined the meeting. Ms. Hartz left the meeting.

FORMAL HEARINGS: **Pyong Un Cho Roy, C.M.T. 0019-008661**
Ms. Roy appeared, represented by Jason Braun, attorney.

James Rutkowski, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Mary Treta, court reporter, recorded the proceedings.

Naima Fellers, Senior Investigator, Department of Health Professions; and Detective Doug Shaw, Leesburg Police Department 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 4:16 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Roy. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, 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 4:34 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. Jones- Clarke moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing revoke the massage therapy certification of Pyong Un Cho Roy. 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: **Christina M. Higuchi, C.M.T. 0019-008262**

Ms. Higuchi did not appear.

James Rutkowski, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Mary Treta, court reporter, recorded the proceedings.

Kelly Ashley, Senior Investigator, Department of Health Professions; and Detective James Gordon, Virginia Beach Police Department 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 5:00 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Higuchi. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, 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 5:07 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. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing revoke the massage therapy certification of Christina Higuchi. 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 5:08 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director