

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
November 14, 2011**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:34 A.M. on November 14, 2011 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:** Patricia M. Selig, RN, FNP, PhD; President
Evelyn Lindsay, LPN
Allison Gregory, RN, LNP
John M. Horn, LPN
Jane R. Ingalls, RN, CNS, PhD
William Traynham, LPN

STAFF PRESENT: Jodi P. Power, RN, JD; Deputy Executive Director
Brenda Krohn, RN, MS, Deputy Executive Director
Krystal Blanton, Senior Discipline Specialist

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Charis Mitchell, Assistant Attorney General (observing)
Braden Curtis, Assistant Attorney General (observing)

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

FORMAL HEARINGS: **Barbara Walkup, RN 0001-056326**
Ms. Walkup did not appear.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Naima Fellers, Senior Investigator, Department of Health Professions; Cardell Astwood, Patient Care Assistant; and Eileen Andreoli, RN 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 10:44 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Walkup. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Blanton, Ms. Mitchell, Mr. Curtis 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 11:07 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.

Mr. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Exterovich and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Gregory moved that the Board of Nursing indefinitely suspend the professional nurse license of Barbara Walkup until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried. Ms. Lindsay, Ms. Gregory, Dr. Ingalls and Mr. Traynham were in favor of the motion. Mr. Horn and Dr. Selig 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.

FORMAL HEARINGS: **Diane C. Walter, LPN 0002-081119**

Ms. Walter did not appear.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

John Turner, Senior Investigator, Department of Health Professions; and Pamela Wickham, RN, Continuum Pediatric Nursing 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 11:58 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Walter.. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Blount, Ms. Mitchell, Mr. Curtis 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 12:20 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.

Mr. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing indefinitely suspend the right to renew the practical nursing license of Diane Walter until such time as she can appear before the Board and provide sufficient evidence 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 12:24 P.M.

RECONVENTION:

The Board reconvened at 1:05 P.M.

FORMAL HEARINGS:

Jimmy Clellen, CNA 1401-097327

Mr. Clellen did not appear.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Lisa Oliphant, Senior Investigator, Department of Health Professions; Darlene Griffin, RN, Director of Nursing; and Larry Findley, Special Agent, Drug Diversion Unit, Virginia State Police 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 1:48 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Clellen. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Blanton, Ms. Mitchell, Mr. Curtis 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 2:00 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.

Dr. Ingalls moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Exterovich 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 Jimmy Clellen with a finding of abuse and misappropriation of patient property. 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:

Pamela J. Edwards, RN 0001-166088

Ms. Edwards did not appear.

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

Lisa Oliphant, Senior Investigator, Department of Health Professions; and Judy Alford, RN Director of Healthcare Services, Interim Healthcare, Galax 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 2:40 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Edwards. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, MS. Blanton, Ms. Mitchell, Mr. Curtis 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 2:58 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.

Mr. Horn 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:

Dr. Ingalls moved that the Board of Nursing indefinitely suspend the right to renew the professional nursing license of Pamela Edwards until such time as she can appear before the Board and provide sufficient evidence 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.

Dr. Ingalls left the meeting.

FORMAL HEARINGS: **Annette Abdal-Razzaq, CAN 1401-087769**
Ms. Abdal-Razzaq appeared, accompanied by her mother, Mary Tyler.

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

Patricia Harte-Byers, Senior Investigator, Department of Health Professions; June Palmer, RN, Eastern State Hospital were present and testified. Brett Birkmeyer, RN 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 3:50 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Abdal-Razzaq. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Blanton, Ms. Mitchell, Mr. Curtis 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 4:10 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.

Mr. Traynham 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. Gregory moved that the Board of Nursing issue an order of reprimand to Annette Abdal-Razzaq. 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 4:15 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director