

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 26, 2012**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:03 A.M. on January 26, 2012 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT: Patricia M. Selig, RN, FNP, PhD; Chairperson
Evelyn Lindsay, LPN (joined later)
Jeanne Holmes, Citizen Member
Jane R. Ingalls, RN, CNS, PhD
Trula Minton, MS, RN
Karen K. Schultz, PhD, MBA; Citizen Member

STAFF PRESENT: Jodi P. Power, RN, JD; Deputy Executive Director
Ann Tiller, Compliance Manager
Amy Davis, Executive Assistant
Krystal Blanton, Senior Discipline Specialist (joined later)

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Students from Dabney S. Lancaster Community College; Centura College, Southside Virginia Community College; and Hampton University, College of Virginia Beach

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

FORMAL HEARINGS: **Tiffany Regan, RN 0001-208947**
Ms. Regan did not appear.

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

Tonya James, Compliance Case Manager, Board of Nursing was present and testified.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:15 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Regan. Additionally, Dr. Schultz moved that Ms. Power, Ms. Tiller, 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 9:24 A.M.

Dr. Schultz 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. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski. The motion was seconded and carried unanimously.

ACTION:

Dr. Ingalls moved that the Board of Nursing issue an order of reprimand to Tiffany Regan and indefinitely suspend the right to renew the registered nurse license of Ms. Regan until such time as she can appear before the Board and demonstrate that she is safe and competent 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.

FORMAL HEARINGS:

Karen Stephens, RN 0001-116379

Ms. Stephen did not appear.

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

Ann Hardy, Senior Investigator, Department of Health Professions; and Tonya James, Compliance Case Manager, Board of Nursing; were present and testified.

CLOSED MEETING:

Dr. Schultz 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. Stephens. Additionally, Dr. Schultz moved that Ms. Power, Ms. Tiller, 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 9:56 A.M.

Dr. Schultz 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. Minton moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski.
The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing issue an order of reprimand to Karen Stephens and indefinitely suspend the registered nurse license of Ms. Stephens until such time as can appear before the Board and demonstrate that she is safe and competent 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 9:57 A.M.

RECONVENTION: The Board reconvened at 10:05 A.M.

Ms. Lindsay joined the meeting, Ms. Minton left the meeting.

FORMAL HEARINGS: **Anne C. Lane, RN 0001-227675**
Ms. Lane did not appear, however attorney Gail Holstrom appeared on her behalf.

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

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:25 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lane. Additionally, Dr. Schultz moved that Ms. Power, Ms. Tiller, 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 10:53 A.M.

Dr. Schultz 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. Holmes 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. Lindsay moved that the Board of Nursing indefinitely suspend the registered nurse license of Anne Lane and stay the suspension contingent upon her re-entry into the Virginia Health Practitioner's Monitoring Program or entry into a similar

alternative program in another state acceptable to the Board 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.

Ms. Minton re-joined the meeting, Ms. Lindsay left the meeting.

FORMAL HEARINGS:

Alexandra Handakas, RN Reinstatement Applicant 0001-144172
Ms. Handakas appeared.

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

Vicky Fox, Senior Investigator, Department of Health Professions was present and testified.

Mr. Casway left the meeting.

CLOSED MEETING:

Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:10 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Handakas. Additionally, Dr. Schultz moved that Ms. Power, Ms. Tiller and Ms. Davis 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 12:59 P.M.

Dr. Schultz 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. Holmes 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:

Dr. Ingalls moved that the Board of deny the application for reinstatement of the registered nurse license of Alexandra Handakas and continue her license on indefinite suspension until such time as she can appear before the Board and demonstrate that she is safe and competent 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 1:00 P.M.

RECONVENTION: The Board reconvened at 1:53 P.M.

Mr. Casway re-joined the meeting. Ms. Blanton joined the meeting, Ms. Davis left the meeting.

FORMAL HEARINGS: **Susan Prior, RN 0001-192146**
Ms. Prior appeared, accompanied by her husband, Eugene Prior.

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

Pamela Kinchloe, Senior Investigator, Department of Health Professions; Janice R. White, RN; Darryl Hampton, RN; and Eugene Prior were present and testified.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:39 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Prior. Additionally, Dr. Schultz moved that Ms. Douglas Ms. Power, Ms. Tiller, Ms. Blanton 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 5:35 P.M.

Dr. Schultz 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. Holmes 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. Minton moved that the Board of Nursing indefinitely suspend the multistate privilege of Susan Prior to practice nursing in Virginia until such time as she can appear before the Board and provide clear and convincing 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.

FORMAL HEARINGS: **Christy Y. Duff, CNA Reinstatement Applicant 1401-074854**
Ms. Duff did not appear.

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

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:45 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Duff. Additionally, Dr. Schultz moved that Ms. Douglas, Ms. Power, Ms. Tiller, Ms. Blanton 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 5:50 P.M.

Dr. Schultz 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. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones.

The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing deny reinstatement of the nurse aide certificate of Christy Duff and continue her certificate on indefinite suspension until such time as she can appear before the Board and provide 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.

FORMAL HEARINGS: **Anita Kebbie, CNA 1401-126470**

Ms. Kebbie appeared, represented by attorney, Robin Gnatowsky.

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

Ms. Douglas left the meeting.

Joyce Carney, LPN; Assada Munu; and Carolyn Bushmyer were present and testified.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 8:00 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Harlow. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Tiller, Ms. Blanton 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 8:08 P.M.

Dr. Schultz 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. Holmes moved that the Board of Nursing dismiss the case in the matter of Anita Kebbie 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 8:06 P.M.

Ann Tiller
Compliance Manager