

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
INFORMAL CONFERENCES
December 16, 2013**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:00 A.M., on December 16, 2013 in Board Room 3, Suite 201, Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Evelyn Lindsay, L.P.N.; Chairperson
Louise Hershkowitz, C.R.NA., M.S.H.A.

STAFF PRESENT: Gloria D. Mitchell, R.N., M.S.N., M.B.A.; Deputy Executive Director

OTHERS PRESENT: David Kazzie; Administrative Proceedings Division
Thirty nursing students from South University and one faculty member.

CONFERENCES

SCHEDULED: **Gretchen Rhodenizer, R.N. 0001-129797**
Ms. Rhodenizer appeared, accompanied by Rick Vaness, a friend.

CLOSED MEETING: Ms. Hershkowitz 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 9:33 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Rhodenizer. Additionally, Ms. Hershkowitz moved that Ms. Mitchell and Mr. Kazzie 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 9:50 A.M.

Ms. Hershkowitz 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: Ms. Hershkowitz moved to offer Ms. Rhodenizer a Consent Order for indefinite suspension of her license, in lieu of a formal hearing, with said suspension stayed contingent upon verification of Ms. Rhodenizer's re-entry into HPMP and remaining in compliance with the terms of the recovery monitoring contract with HPMP. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Rhodenizer and the Board.

CONFERENCES

SCHEDULED:

Jessica Stickles, RN 0001-224656

Ms. Stickles did not appear.

CLOSED MEETING:

Ms. Hershkowitz 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 10:01 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Stickles. Additionally, Ms. Hershkowitz moved that Ms. Mitchell and Mr. Kazzie 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 10:21 A.M.

Ms. Hershkowitz 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:

Ms. Hershkowitz moved to offer Ms. Stickles a Consent Order for indefinite suspension of her license for not less than 2 years, in lieu of a formal hearing. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Stickles and the Board.

CONFERENCES

SCHEDULED:

Maricar Baetiong, LPN 0002-086345

Ms. Baetiong appeared.

CLOSED MEETING:

Ms. Hershkowitz 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 11:02 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Baetiong. Additionally, Ms. Hershkowitz moved that Ms. Mitchell and Mr. Kazzie 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 11:22 A.M.

Ms. Hershkowitz 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:

Ms. Hershkowitz moved to issue an Order requiring Ms. Baetiong to complete two NCSBN courses: “*Documentation: A Critical Aspect of Client Care*” and “*Professional Accountability & Legal Liability for Nurses*”, and to provide proof of completion within 30 days of Order entry. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Baetiong, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Baetiong 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:

James Borrer, LPN 0002-063928

Mr. Borrer appeared, accompanied by Debra Rohrbaugh and Yvonne Katz.

CLOSED MEETING:

Ms. Hershkowitz 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 12:24 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Borrer. Additionally, Ms. Hershkowitz moved that Ms. Mitchell and Mr. Kazzie 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.

Ms. Hershkowitz 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:

Ms. Hershkowitz moved to refer the case of Mr. Borrer to the Board of Nursing or a panel thereof for a Formal Hearing. The motion was seconded and carried unanimously.

CONFERENCES

SCHEDULED:

Theresa Pham, RN 0001-220722

Ms. Pham appeared.

CLOSED MEETING: Ms. Hershkowitz 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 1:51 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Pham. Additionally, Ms. Hershkowitz moved that Ms. Mitchell and Mr. Kazzie 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 2:20 P.M.

Ms. Hershkowitz 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: Ms. Hershkowitz moved to issue an Order to take no action at this time, contingent upon Ms. Pham's remaining in compliance with the terms of the monitoring contract with HPMP. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Pham, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Pham 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:

Adele Arevalo, RN 0001-200024
Ms. Arevalo appeared, accompanied by Larry Pochucha, Attorney.

CLOSED MEETING: Ms. Hershkowitz 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 2:52 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Arevalo. Additionally, Ms. Hershkowitz moved that Ms. Mitchell and Mr. Kazzie 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 3:36 P.M.

Ms. Hershkowitz 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:

Ms. Hershkowitz moved to defer disposition and issue an Order to obtain a mental health evaluation by a Board approved mental health provider within 45 days and to submit a written report to the Board. Upon receipt, the Board may require Ms. Arevalo to appear before the Board.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Arevalo, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Arevalo 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:

Elnora Smith, LPN 0002-031736

Ms. Smith appeared.

CLOSED MEETING:

Ms. Hershkowitz 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 4:14 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Smith. Additionally, Ms. Hershkowitz moved that Ms. Mitchell and Mr. Kazzie 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 4:25 P.M.

Ms. Hershkowitz 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:

Ms. Hershkowitz moved to issue an Order of reprimand to Ms. Smith and completion of two NCSBN courses: “*Sharpening Critical Thinking Skills*” 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 30 days after service of such Order on Ms. Smith, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Smith 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:

Carroll Jo Roberts, LPN 0002-052965

Ms. Roberts did not appear.

CLOSED MEETING:

Ms. Hershkowitz 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 4:35 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Roberts. Additionally, Ms. Hershkowitz moved that Ms. Mitchell and Mr. Kazzie 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 4:45 P.M.

Ms. Hershkowitz 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:

Ms. Hershkowitz moved to offer Ms. Roberts a Consent Order for indefinite suspension of her license to practice practical nursing in Virginia, until such time that Ms. Roberts shall petition the Board for reinstatement of her license. At such time an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Roberts and the Board.

ADJOURNMENT:

The Board adjourned at 4:50 P.M.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director