

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
September 18, 2014**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:01 A.M. on September 18, 2014 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Jane R. Ingalls, RN, PhD; President
Marie Gerardo, MS, RN, ANP-BC
Kelly S. McDonough, DNP, RN
Trula Minton, MS, RN
Jennifer Phelps, LPN

STAFF PRESENT:
Brenda Krohn, RN, MS; Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Amy Davis, Executive Assistant
Darlene Graham, Senior Discipline Specialist (joined later)

OTHERS PRESENT:
James Rutkowski, Assistant Attorney General
Nursing students from Riverside School of Nursing and George Washington University BSN program

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

FORMAL HEARINGS: **Mary P. Jones, RN Reinstatement Applicant 0001-138169**
Ms. Jones appeared, accompanied by her husband and her mother.

Amanda Blount, Adjudication Specialist represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Medford Howard, court reporter with Crane Snead Reporting, recorded the proceedings.

CLOSED MEETING: Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:38 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jones. Additionally, Ms. Minton moved that Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Rutkowski 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 10:03 A.M.

Ms. Phelps 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. Gerardo 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. Minton moved that the Board of Nursing reinstate the professional nursing license of Mary Jones and to issue an order of reprimand and complete the NCSBN online course “Respecting Professional Boundaries” within 60 days of entry of the order. The motion was seconded and carried. Ms. Gerardo, Ms. Minton, Ms. Phelps and Dr. Ingalls were in favor of the motion. Dr. McDonough 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:

James P. Borrer, LPN 0002-063928

Mr. Borrer appeared, represented by Nancy Newman, attorney; and Jennifer Newman, attorney.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Medford Howard court reporter with Crane Snead Reporting, recorded the proceedings.

Ron Houser, Senior Investigator, Department of Health Professions; and Lynn Laird, RN, Nursing Supervisor, Winchester Medical Center were present and testified. Kevin Shanabrook, MD, Winchester Medical Center testified by telephone.

CLOSED MEETING:

Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(15) of the *Code of Virginia* at 10:28 A.M., for the purpose of consideration and discussion of medical/mental health records of Mr. Borrer that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Mitchell, Ms. Davis, Mr. Howard and Mr. Rutkowski 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 10:56 A.M.

Ms. Phelps 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.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(15) of the *Code of Virginia* at 11:31 A.M., for the purpose of consideration and discussion of medical/mental health records of Mr. Borrer that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Mitchell, Ms. Davis, Mr. Howard and Mr. Rutkowski 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. Phelps 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.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:23 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Borrer. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Davis and Mr. Rutkowski 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 12:43 P.M.

Ms. Phelps 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. Minton moved that the Board of Nursing dismiss the case in the matter of James Borrer due to insufficient evidence of a violation. 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 12:45 P.M.

RECONVENTION: The Board reconvened at 1:30 P.M.

Ms. Graham joined the meeting. Ms. Davis left the meeting to attend to other business.

FORMAL HEARINGS: **Julie Nowak, RN 0001-149171**
Ms. Nowak appeared, accompanied by her cousin, Rhonda Grimes.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Medford Howard, court reporter with Crane Snead Reporting, recorded the proceedings.

Patricia Harte-Byers, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:30 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Nowak. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Mitchell, Ms. Graham and Mr. Rutkowski 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 2:50 P.M.

Ms. Phelps 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. Gerardo moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. McDonough moved that the Board of Nursing issue an order of reprimand to Julie Nowak and indefinitely suspend Ms. Nowak's professional nursing license, but stay the suspension contingent upon her entry into the Health Practitioners Monitoring Program or a similar program in Tennessee. 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: **Myra Feldman, RN 0001-086745**

Ms. Feldman appeared.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Medford Howard, court reporter with Crane Snead Reporting, recorded the proceedings.

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

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:30 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Feldman. Additionally, Ms.

Phelps moved that Ms. Krohn, Ms. Mitchell, Ms. Graham and Mr. Rutkowski 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 3:40 P.M.

Ms. Phelps 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. Gerardo 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:

Dr. McDonough moved that the Board of Nursing revoke the license of Myra Feldman to practice as a professional nurse. 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 3:45 P.M.

Brenda Krohn, MS, RN
Deputy Executive Director