

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 23, 2017**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on March 23, 2017 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA; Vice President
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Jeanne Holmes, Citizen Member
Kelly S. McDonough, DNP, RN
Mark Monson, Citizen Member
William Traynham, LPN, CSAC

STAFF PRESENT:

Jodi P. Power, JD, RN; Deputy Executive Director
Linda Kleiner, RN; Discipline Case Manager
Huong Vu, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Senior Nursing Students from University of Virginia
Nurse Aide Students from Louisa County Public Schools

ESTABLISHMENT OF A PANEL:

With seven members of the Board present, a panel was established

FORMAL HEARINGS:

Katelyn Haynes Washington, RN 0001-236934
Ms. Washington did not appear.

Steve Bulger, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lori Larsen, court reporter with Crane-Snead & Associates, recorded the proceedings.

Ann S. Hardy, RN, Senior Investigator, Department of Health Professions, Kathy Ward, Case Manager, Health Practitioners' Monitoring Program, and Ian Orensky, PharmD, Director of Pharmacy at Bon Secours St. Mary Hospital, were present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:12 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Washington. Additionally, Dr. McDonough moved that Ms. Power, Ms. Kleiner, Ms. Vu and Ms. Mitchell 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 10:24 A.M.

Ms. Gilliam 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. Bulger and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Mr. Monson moved that the Board of Nursing indefinitely suspend the license of Katelyn Haynes Washington to practice professional nursing in the Commonwealth of Virginia until such time she can appear before the Board and demonstrate 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.

Ms. Hershkowitz and Mr. Monson left at 10:27 A.M. Ms. Gerardo assumed the role of Chair.

FORMAL HEARINGS:

Sonia Dionne Barnett-Ketter, RN 0001-254643

Ms. Barnett-Ketter appeared accompanied by Eileen Talamante, her lawyer.

Carla Boyd, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lori Larsen, court reporter with Crane-Snead & Associates, recorded the proceedings.

Lane Raker, RN, LNP, Senior Investigator, Department of Health Professions, testified via telephone. Rebecca Joyce, RN, Residency Coordinator at Chesapeake Regional Medical Center (CRMC), Meagan Chesebro, RN, Staff Nurse at CRMC, and Tamirsu Nhahi, RN at CRMC, were present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:44 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Barnett-Ketter. Additionally, Dr. McDonough moved that Ms. Power, Ms. Kleiner, Ms. Vu and Ms. Mitchell 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 1:55 P.M.

Dr. McDonough 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 Ms. Boyd and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Gilliam moved that the Board of Nursing reprimand Sonia Dionne Barnett-Ketter. 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.

The Students left the meeting.

RECESS:

The Board recessed at 2:05 P.M.

RECONVENTION:

The Board reconvened at 2:40 P.M.

Ms. Hershkowitz and Mr. Monson rejoined the hearings. Ms. Hershkowitz resumed the role of Chair.

FORMAL HEARINGS:

Christina Carrie Noss, RN 0001-238890

Ms. Noss appeared.

Amy Weiss, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lori Larsen, court reporter with Crane-Snead & Associates, recorded the proceedings.

Kimberly B. Lynch, RN, MS, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Ms. Gilliam moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:05 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Noss. Additionally, Ms. Gilliam moved that Ms. Power, Ms. Kleiner, Ms. Vu and Ms. Mitchell 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 3:10 P.M.

Dr. McDonough 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. Gilliam moved that the Board of Nursing dismiss the case against Christina Carrie Noss. The motion was seconded and carried with five votes in favor of the motion. Dr. McDonough and Ms. Holmes 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:

Helen Yiapan, LPN Reinstatement 0002-075077

Ms. Yiapan appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lori Larsen, court reporter with Crane-Snead & Associates, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:33 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Yiapan. Additionally, Dr. McDonough moved that Ms. Power, Ms. Kleiner, Ms. Vu and Ms. Mitchell 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 4:50 P.M.

Ms. Gilliam 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. Monson 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:

Mr. Traynham moved that the Board of Nursing deny the reinstatement application of Helen Yiapan and continue her practical nursing license on

indefinite suspension until such time as she can demonstrate sufficient evidence that she is safe and competent to resume nursing 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 4:55 P.M.

RECONVENTION: The Board reconvened at 5:03 P.M.

FORMAL HEARINGS: **Barry Robert Edwards, LPN 0002-039939**
Mr. Edwards did not appear.

Amy Weiss, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lori Larsen, court reporter with Crane-Snead & Associates, recorded the proceedings.

John W. Turner, Senior Investigator, Department of Health Professions, and Stephanie Vick, RN at Hampton VA Medical Center, were present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:37 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Edwards. Additionally, Dr. McDonough moved that Ms. Power, Ms. Kleiner, Ms. Vu and Ms. Mitchell 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 5:48 P.M.

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

ACTION: Mr. Monson moved that the Board of Nursing revoke the license of Barry Robert Edwards to practice practical nursing in the Commonwealth of Virginia and impose a monetary penalty in the amount of \$5,000.00 to be paid to the Board

within 90 days of entry of the Order. 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 5:50 P.M.

Jodi P. Power, RN, JD
Deputy Executive Director