

**VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
FORMAL HEARING
December 12, 2012**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:05 A.M., in Board Room 1, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Patricia M. Selig, RN, FNP, PhD, Chairperson

COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE MEMBERS PRESET:

Claudette Dalton, MD
Allison Gregory, RN, FNP-BC
Louise D. Hartz, Citizen Member
Robert Hickman, MD
Patricia M. Selig, RN, FNP, PhD

STAFF PRESENT: Jay P. Douglas, RN, MSM, CSAC, Executive Director
Gloria D. Mitchell, RN, MSN, MBA, Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Erin Barrett, Assistant Attorney General

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

David Shoemaker, RN, 0001-123757; LNP 0024-123757

Mr. Shoemaker did not appear.

Ms. Hartz moved to accept the recommended decision of the agency subordinate to take no action against David Shoemaker contingent upon his continued compliance with the Health Practitioners Monitoring Program for period specified by the Health Practitioners Monitoring Program. The motion was seconded and carried. Ms. Gregory, Ms. Hartz, Dr. Hickman and Dr. Selig were in favor of the motion. Dr. Dalton abstained.

Patricia A. McFadden, LNP 0024-168001

Ms. McFadden did not appear.

Ms. Hartz moved to accept the recommended decision of the agency subordinate to reprimand Patricia McFadden and to indefinitely suspend the nurse practitioner license of Ms. McFadden until such time as she is eligible for licensure and is able to demonstrate that she can resume safe and competent practice as a nurse practitioner. The motion was seconded and carried. Ms. Gregory, Ms. Hartz, Dr. Hickman and Dr. Selig were in favor of the motion. Dr. Dalton abstained.

Rebecca A. Dunn, RN 0001-115665; LNP 0024-165843; Authorization to Prescribe 0017-137905

Ms. Dunn did not appear.

Ms. Hartz moved to accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of the nurse practitioner license of Rebecca Dunn until such time as she is able to demonstrate that she can resume safe and competent practice as a nurse practitioner. The motion was seconded and carried. Ms. Gregory, Ms. Hartz, Dr. Hickman and Dr. Selig were in favor of the motion. Dr. Dalton abstained.

Elaine Lankford, LNP 0024-166532

Ms. Lankford did not appear.

Ms. Hartz moved to accept the recommended decision of the agency subordinate to deny the petition of Elaine Lankford for modification of probation in the consent order entered July 2, 2009. The motion was seconded and carried. Ms. Gregory, Ms. Hartz, Dr. Hickman and Dr. Selig were in favor of the motion. Dr. Dalton abstained.

DISCUSSION REGARDING AGENCY SUBORDINATE RECOMMENDATIONS:

Dr. Hickman requested that the Committee of the Joint Boards of Nursing and Medicine track the rate of acceptance of agency subordinate recommendations.

Dr. Dalton proposed that whenever an agency subordinate recommendation deviates from the outcome of the sanction reference point worksheet, that recommendation should automatically be pulled by Committee members for discussion.

Both proposals were accepted by the Chair and all Committee members present.

FORMAL HEARING:

Jean Black, LNP 0024-101703; Authorization to Prescribe 0017-000095

Mr. Black appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Mary Treta, court reporter, recorded the proceedings.

Kim Hood, Assistant Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Hartz moved that the quorum of the Committee of the Joint Boards of Nursing and Medicine and the panel of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:50 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Black. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Mitchell, Ms. Graham and Ms. Barrett 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 11:40 A.M.

Ms. Hartz moved that the Committee of the Joint Boards of Nursing and Medicine and the panel 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.

Mr. Horn moved that the Committee of the Joint Boards of Nursing and 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. Dalton moved that the Committee of the Joint Boards of Nursing and Medicine place the nurse practitioner license and prescriptive authority of Jean Black on probation with terms for a period of not less than one year and to issue an order of reprimand. The motion was seconded and carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 11:45 A.M.

Gloria D. Mitchell, RN, MSN, MBA
Deputy Executive Director
Board of Nursing