

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
November 15, 2012**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on November 15, 2012 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS  
PRESENT: Louise D. Hartz, Citizen Member; President  
Jeanne E. Holmes, Citizen Member  
Jane R. Ingalls, RN, PhD  
Patricia C. Lane, RN, MSN, MBA  
William Traynham, LPN, CSAC

STAFF PRESENT: Jay P. Douglas, RN, MSM, CSAC; Executive Director  
Brenda Krohn, RN, MS; Deputy Executive Director  
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director (joined later)  
Jodi P. Power, RN, JD; Deputy Executive Director (joined later)  
Amy Davis, Executive Assistant

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General

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

FORMAL HEARINGS: **Kou Lila Sumwabe, RN 0001-142770**  
Ms. Sumwabe appeared.

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

Cheryl Hodgson, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Dr. Ingalls 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. Sumwabe. Additionally, Dr. Ingalls moved that Ms. Douglas, Ms. Krohn, 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 9:42 A.M.

Dr. Ingalls 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 Kou Lila Sumwabe due to insufficient evidence. The motion was seconded and carried. Ms. Holmes, Ms. Hartz, Dr. Ingalls and Ms. Lane were in favor of the motion. Mr. Traynham 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.

**RECESS:**

The Board recessed at 9:44 A.M.

**RECONVENTION:**

The Board reconvened at 9:54 A.M.

**FORMAL HEARINGS:**

**Shannon Wszeborowski, RN Reinstatement Applicant 0001-226446**

Ms. Wszeborowski appeared, accompanied by her husband, Nicholas Wszeboroski.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Nicholas Wszeborowski; Patricia Sheehan, Senior Investigator, Department of Health Professions; and Joyce Shelton-Jones, Senior Investigator, Department of Health Professions were present and testified.

**CLOSED MEETING:**

Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:20 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wszeborowski. Additionally, Dr. Ingalls moved that Ms. Douglas, Ms. Krohn, 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 10:25 A.M.

Dr. Ingalls 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. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

**ACTION:**

Ms. Lane moved that the Board of Nursing reinstate the professional nursing license of Sharon Wszeborowski and issue her a reprimand. 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:**

**Joyce K. Jones, CNA 1401-064019**

Ms. Jones appeared.

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

Pamela Kincheloe, Senior Investigator, Department of Health Professions was present and testified. Jessica Drumheller, Recreational Therapist, Northern Virginia Mental Health Institute testified by telephone.

**CLOSED MEETING:**

Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:08 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jones. Additionally, Dr. Ingalls moved that Ms. Douglas, Ms. Krohn, 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 11:15 A.M.

Dr. Ingalls 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 and amended by the Board.

The motion was seconded and carried unanimously.

**ACTION:**

Mr. Traynham moved that the Board of Nursing revoke the nurse aide certificate of Joyce Jones and enter a finding of abuse against her into the Nurse Aide Registry. 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. Douglas and Ms. Krohn left the meeting. Ms. Mitchell and Ms. Power joined the meeting.

RECESS: The Board recessed at 11:18 A.M.

RECONVENTION: The Board reconvened at 11:29 A.M.

FORMAL HEARINGS: **Amy Wetherholt, RN 0001-202239**  
Ms. Wetherholt appeared.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Lisa Oliphant, Senior Investigator, Department of Health Professions; and Heather Bramblett, RN, Clinical Team Leader, Carilion Roanoke Memorial Hospital were present and testified.

CLOSED MEETING: Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:22 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wetherholt. Additionally, Dr. Ingalls moved that Ms. Mitchell, Ms. Power, 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 2:14 P.M.

Dr. Ingalls 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. Exterovich and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing take no action contingent upon Ms. Wetherholt submitting the results of a substance abuse evaluation by an addictionologist satisfactory to the Board and a physical evaluation by a neurologist satisfactory to the Board within 90 days of entry of the order. Thereafter, Ms. Wetherholt shall be noticed for an informal conference to appear before a special conference committee of the Board for review of the evaluation reports and for final disposition in this matter. 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 2:20 P.M.

RECONVENTION: The Board reconvened at 2:58 P.M.

FORMAL HEARINGS: **Mary S. Harris, CNA 1401-011277**  
Ms. Harris did not appear.

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

Sherry Foster, Senior Investigator, Department of Health Professions; and Myra Bell, Housekeeper, Sitter and Barfoot Veterans Care Center were present and testified.

CLOSED MEETING: Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:11 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Harris. Additionally, Dr. Ingalls moved that Ms. Mitchell, Ms. Power, 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 3:19 P.M.

Dr. Ingalls 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. Rutkowski and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing revoke the nurse aide certificate of Mary Harris and enter a finding of abuse against her into the Nurse Aide Registry. 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 3:20 P.M.

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Gloria D. Mitchell, RN, MSN, MBA  
Deputy Executive Director