

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
November 18, 2013**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:15 A.M. on November 18, 2013 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT: Louise D. Hartz, Citizen Member; Vice President
Allison Gregory, RN, FNP-BC
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
John M. Horn, LPN
William Traynham, LPN, CSAC

STAFF PRESENT: Brenda Krohn, RN, MS; Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director (joined later)
Jane Elliott, RN, EdD; Discipline Staff
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Nurse aide students from North Stafford High School; Hanover County Public Schools; Louisa County High School; Adult Career Development Center

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

FORMAL HEARINGS: **Gabriele Hart, RN 0001-094372**
Ms. Hart did not appear.

James Rutkowski Adjudication Specialist represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Kelly Ashley, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:32 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hart. Additionally, Ms. Gregory moved that Ms. Krohn, Dr. Elliott, Ms. Graham and Ms. C. 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 9:37 A.M.

Ms. Gregory 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 Mr. Rutkowski.

The motion was seconded and carried unanimously.

ACTION:

Ms. Gregory moved that the Board of Nursing indefinitely suspend the professional nursing license of Gabriele Hart until such time as she can appear before the Board and prove 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.

FORMAL HEARINGS:

Bernard T. Kamgang, CNA Reinstatement Applicant 1401-133505

Mr. Kamgang appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt court reporter with Crane Snead Reporting, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:16 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Kamgang. Additionally, Ms. Gregory moved that Ms. Krohn, Dr. Elliott, Ms. Graham and Ms. C. 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 10:36 A.M.

Ms. Gregory 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. Gaines and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved that the Board of Nursing approve the application for Bernard Kamgang to reinstate his certification to practice as a nurse aide. 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:

Awa SamBou, CNA 1401-151893

Ms. SamBou did not appear.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Lynne Austin, Retired Senior Investigator, Department of Health Professions testified by telephone. Kareen Martin, LPN, Charge Nurse, Envoy of Stratford Hills was present and testified.

CLOSED MEETING:

Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:22 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. SamBou. Additionally, Ms. SamBou moved that Ms. Krohn, Dr. Elliott, Ms. Graham and Ms. C. 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 11:32 A.M.

Ms. Gregory 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:

Mr. Horn moved that the Board of Nursing issue a reprimand to Awa SamBou. 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. Krohn left the meeting due to a scheduling conflict. Ms. Gloria Mitchell joined the meeting.

FORMAL HEARINGS: **Natarsha Ware, CNA 1401-118013**

Ms. Ware appeared.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Joyce Shelton-Jones, Senior Investigator, Department of Health Professions; and Bridgette Riley, Director of Nursing, Avante of Lynchburg were present and testified.

CLOSED MEETING:

Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:22 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Ware. Additionally, Ms. Gregory moved that Ms. G. Mitchell, Ms. Graham and Ms. C. 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 12:28 P.M.

Ms. Gregory 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. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing close the case in the matter of Natarsha Ware due to insufficient evidence of a violation of the nurse practice act and Board of Nursing regulations. 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 12:30 P.M.

RECONVENTION:

The Board reconvened at 1:00 P.M.

Ms. G. Mitchell left the meeting to resume her normal schedule. Ms. Krohn rejoined the meeting.

FORMAL HEARINGS: **Deborah Ziegler, RN 0001-198383**

Ms. Ziegler did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Lisa Thomas, Senior Investigator, Department of Health Professions; Rebecca Britt, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:17 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Ziegler. Additionally, Ms. Gregory moved that Ms. Krohn, Dr. Elliott, Ms. Graham and Ms. C. 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 1:26 P.M.

Ms. Gregory 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. Hershkowitz or Louise Hartz 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: Mr. Horn moved that the Board of Nursing issue a reprimand to Deborah Ziegler and to continue the professional nursing license of Ms. Ziegler on indefinite suspension. 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: **Amy N. Aliff, RN 0001-207150**

Ms. Aliff did not appear.

Amanda Blount Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Denise Sexton, Senior Investigator, Department of Health Professions; and Chris Bowers, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Gregory 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. Aliff. Additionally, Ms.

Gregory moved that Ms. Krohn, Dr. Elliott, Ms. Graham and Ms. C. 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 2:37 P.M.

Ms. Gregory 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. Hershkowitz 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. Holmes moved that the Board of Nursing issue a reprimand to Amy Aliff and to indefinitely suspend the right to renew her professional nursing license until such time as she can appear before the Board and prove 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.

ADJOURNMENT:

The Board adjourned at 2:41 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director