Final - Approved

VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 20, 2014

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:12 A.M. on March 20, 2014 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Jane R. Ingalls, RN, PhD; President
Louise Hartz, Citizen Member
Evelyn Lindsay, LPN
Kelly S. McDonough, DNP, RN
Trula Minton, MS, RN

STAFF PRESENT: Jodi P. Power, RN, JD; Deputy Executive Director
Jane Elliott, RN, PhD; Discipline Staff
Amy Davis, Executive Assistant

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Nursing students from Southside Virginia Community College; Fortis College; James Madison University; Bon Secours; and nurse aide students from Prince Edward County Public Schools

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

FORMAL HEARINGS: **Anthoinette Attiogbe, CNA 1401-144040; RMA 0031-006509**
Ms. Attiogbe did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Terri Pata, court reporter with Crane Snead Reporting, recorded the proceedings.

Meghan Wingate, Senior Investigator, Department of Health Professions; and Mikelle Rappaport, Executive Director, Envoy of Thornton Hall were present and testified.

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 9:36 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Attiogbe. Additionally, Ms. Minton moved that Ms. Power, Dr. Elliott, Ms. Davis 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 10:00 A.M.

Ms. Attiogbe arrived and joined the meeting.

Ms. Minton 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. Jones and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Hartz moved that the Board of Nursing revoke the nurse aide certificate of Anthoinette Attiogbe and enter a finding of abuse against her in the Nurse Aide Registry and further revoke the medication aide registration of Ms. Attiogbe. The motion was seconded and carried. Ms. Hartz, Dr. McDonough, Ms. Minton and Ms. Lindsay were in favor of the motion. Dr. Ingalls 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: **Kristine Olson-Harley, RN Reinstatement Applicant 0001-077952**
Ms. Olson- Harley appeared.

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

Joyce Shelton-Jones, Senior Investigator, Department of Health Professions was present and testified.

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 11:15 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Olson-Harley. Additionally, Ms. Minton moved that Ms. Power, Dr. Elliott, Ms. Davis 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 11:48 A.M.

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

ACTION: Ms. Lindsay moved that the Board of Nursing deny the reinstatement application of Kristine Olson-Harley and continue her license on indefinite suspension, but stay the suspension contingent upon her continued compliance with the Health Practitioners Monitoring Program. 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 11:51 A.M.

RECONVENTION: The Board reconvened at 1:35 P.M.

FORMAL HEARINGS: **Wendl J. Barton, RN 0001-167990**
Ms. Barton did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Terri Pata, court reporter with Crane Snead Reporting, recorded the proceedings.

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

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 1:53 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Barton. Additionally, Ms. Minton moved that Ms. Power, Dr. Elliott, Ms. Davis 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 2:04 P.M.

Ms. Minton 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. Jones.
The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing reprimand Wendl Barton and continue her professional nursing license on indefinite suspension until such time

as she can appear before the Board and demonstrate sufficient evidence that she is safe 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 2:05 P.M.

Jodi P. Power, RN, JD
Deputy Executive Director