

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
February 3, 2014**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:00 A.M., on February 3, 2014 in Training Room 2, Suite 201, Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Evelyn Lindsay, L.P.N., Chairperson
Louise Hershkowitz, CRNA, MSHA
Kristina Wright, C.M.T., Massage Advisory Board Chair

STAFF PRESENT: Brenda Krohn, R.N., M.S., Deputy Executive Director
Linda Kleiner, R.N., Discipline Case Manager (joined later)

OTHERS PRESENT: James E. Rutkowski, Adjudication Specialist

CONFERENCES
SCHEDULED: **Min Soon Kim, C.M.T. 0019-008585**
Ms. Kim did not appear.

Sources present included:
Henri McCartney, Branch Chief, Regulation & Licensing Branch Department of Cable & Consumer Services
Carl Newcomb, Senior Investigator, Department of Cable & Consumer Services
Joe Milliron, Police Officer, Fairfax County
Hyun Chang, Police Officer, Fairfax County

CLOSED MEETING: Ms. Hershkowitz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:34 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Kim. Additionally, Ms. Hershkowitz moved that Ms. Krohn and Mr. Rutkowski 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 9:42 A.M.

Ms. Hershkowitz moved that the Special Conference Committee 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.

ACTION: Ms. Hershkowitz moved to offer Ms. Kim a consent order for revocation of her certification in lieu of a formal hearing.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Kim and the Board.

CONFERENCES

SCHEDULED:

Andrew Myers, C.M.T. Applicant

Mr. Myers appeared, accompanied by his attorney, Katherine Daugherty.

CLOSED MEETING:

Ms. Hershkowitz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:07 A.M. for the purpose of deliberation to reach a decision in the matter of Mr. Myers. Additionally, Ms. Hershkowitz moved that Ms. Krohn and Mr. Rutkowski 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 10:14 A.M.

Ms. Hershkowitz moved that the Special Conference Committee 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.

ACTION:

Ms. Wright moved to recommend the Board issue an order to approve Andrew Myer's application for certification as a massage therapist in Virginia

The motion was seconded and carried unanimously.

This recommendation will be presented to the full Board; if accepted, an Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Mr. Myers unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Myers within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

Ms. Wright left the meeting at 10:30 A.M.

CONFERENCES

SCHEDULED:

Stephanie Waybright, R.M.A. Applicant

Ms. Waybright did not appear.

CLOSED MEETING:

Ms. Hershkowitz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:30 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Waybright. Additionally, Ms. Hershkowitz moved that Ms. Krohn and Mr. Rutkowski 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 10:37 A.M.

Ms. Hershkowitz moved that the Special Conference Committee 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.

ACTION:

Ms. Hershkowitz moved to recommend the Board issue an order to deny Stephanie Waybright's application to take the medication aide examination.

The motion was seconded and carried unanimously.

This recommendation will be presented to the full Board; if accepted, an Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Waybright unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Waybright within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

Ms. Kleiner joined the meeting for presentation of cases at probable cause.

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING:

Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:00 A.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Lindsay moved that Ms. Krohn and Ms. Kleiner 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 11:30 A.M.

Ms. Lindsay moved that the Special Conference Committee 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.

Investigative reports concerning (3) registered nurses, (4) practical nurses, (1) certified nurse aide and (1) registered medication aide were reviewed.

ACTION:

Ms. Lindsay moved to close (1) of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations. The motion was seconded and carried unanimously.

Ms. Lindsay moved to offer (3) of the above individuals a prehearing consent order in lieu of further administrative proceedings. The motion was seconded and carried unanimously.

Ms. Lindsay moved that (5) of the above individuals should be scheduled for an informal conference. The motion was seconded and carried unanimously.

Ms. Kleiner left the meeting at 11:32.

CONFERENCES

SCHEDULED:

Kirsten Bray, R.N. Reinstatement Applicant 0001-184670

Ms. Bray appeared.

CLOSED MEETING:

Ms. Hershkowitz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:52 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Bray. Additionally, Ms. Hershkowitz moved that Ms. Krohn and Mr. Rutkowski 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 2:13 P.M.

Ms. Hershkowitz moved that the Special Conference Committee 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.

ACTION:

Ms. Hershkowitz moved to issue an order to reinstate the license of Kirsten Bray to practice as a registered nurse and issue a valid in Virginia only license; contingent upon submission of a mental health evaluation with 60 days, remaining in compliance with the terms of the Pennsylvania Monitoring Program through completion in 2015 and quarterly reports of continued compliance with PNA Program .

The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Bray unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Bray within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED: **Wendy Jones Griffith, C.N.A. Applicant**
Ms. Griffith appeared.

CLOSED MEETING: Ms. Hershkowitz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:57 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Griffith. Additionally, Ms. Hershkowitz moved that Ms. Krohn and Mr. Rutkowski 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 3:02 P.M.

Ms. Hershkowitz moved that the Special Conference Committee 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.

ACTION: Ms. Hershkowitz moved to recommend the Board issue an order to approved Wendy Griffith's application to take the Certified Nurse Aide examination and issue an unrestricted certificate.

The motion was seconded and carried unanimously.

This recommendation will be presented to the full Board; if accepted, an Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Griffith unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Griffith within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES
SCHEDULED:

Errol Phillips, R.N. Reinstatement Applicant 0001-202427
Mr. Phillips appeared, accompanied by his friends William Pizzano and Ken Torres.

CLOSED MEETING: Ms. Hershkowitz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 3:44 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Phillips. Additionally, Ms. Hershkowitz moved that Ms. Krohn and Mr. Rutkowski 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 3:57 P.M.

Ms. Hershkowitz moved that the Special Conference Committee 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.

ACTION:

Ms. Hershkowitz moved to issue an order to reinstate the license of Errol Phillips to practice as a registered nurse contingent upon proof of entry into the Health Practitioners Monitoring Program and remaining in compliance with the terms of the monitoring contract with the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Mr. Phillips unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Phillips within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Essence Jackson, C.N.A. 1401-083681

Ms. Jackson appeared.

CLOSED MEETING:

Ms. Hershkowitz moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 4:22 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Jackson. Additionally, Ms. Hershkowitz moved that Ms. Krohn and Mr. Rutkowski 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 4:30 P.M.

Ms. Hershkowitz moved that the Special Conference Committee 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.

ACTION:

Ms. Hershkowitz moved to issue an order of reprimand to Essence Jackson.

The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Jackson unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Jackson within such time. If service of the order is made by

mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

ADJOURNMENT:

The Board adjourned at 4:30 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director