VIRGINIA BOARD OF NURSING FORMAL HEARINGS August 3, 2023

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:21

A.M., on August 3, 2023, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS

PRESENT: Cynthia M. Swineford, MSN, RN, CNE; First Vice-President

Yvette L. Dorsey, DNP, RN

Margaret J. Friedenberg, Citizen Member

Dixie McElfresh, LPN Helen Parke, DNP, FNP-BC

STAFF PRESENT: Lelia Claire Morris, RN, LNHA; Deputy Executive Director

Robin L. Hills, DNP, WHNP; Deputy Executive Director for Advanced

Practice

Sylvia Tamayo-Suijk, Senior Discipline Specialist

OTHERS PRESENT: James Rutkowski, Assistant Attorney General

ESTABLISHMENT

OF A PANEL: With five members of the Board present, a panel was established.

FORMAL HEARINGS: Samuel Kermit Justus, RN 0001-136880

Mr. Justus appeared.

Anne Joseph, Adjudication Consultant, Administrative Proceedings Division, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Juan Ortega, court reporter with Ortega

International Reporting, recorded the proceedings.

Christine Ludwig, Brian Horowitz, Senior Investigators, Enforcement Division, and Kellie Mason, Health Practitioners' Monitoring Program

(HPMP) Case Manager, were present and testified.

RECESS: The Board recessed at 10:23 A.M.

RECONVENTION: The Board reconvened at 10:34 A.M.

RECESS: The Board recessed at 11:36 A.M.

RECONVENTION: The Board reconvened at 11:46 A.M.

Virginia Board of Nursing Formal Hearings August 3, 2023

CLOSED MEETING:

Dr. Parke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 12:33 P.M., for the purpose of deliberation to reach a decision in the matter of **Samuel Kermit Justus.** Additionally, Dr. Parke moved that Dr. Hills, Ms. Morris, Ms. Tamayo-Suijk and Mr. Rutkowski, Board Counsel, 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 by Ms. McElfresh and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:13 P.M.

Dr. Parke 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 by Dr. Dorsey and carried unanimously.

ACTION: Ms. McElfresh moved that the Board of Nursing indefinitely suspend the

license of Samuel Kermit Justus to practice professional nursing in the Commonwealth of Virginia, with suspension stayed contingent upon Mr.

Justus continue compliance with Health Practitioners' Monitoring

Program (HMMP). The motion was seconded by Dr. Dorsey and carried

unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal

hearing panel.

ADJOURNMENT: The Board adjourned at 1:14 P.M.

Lelia Claire Morris, RN, LNHA

Deputy Executive Director

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