

UNAPPROVED

**VIRGINIA BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
FORMAL ADMINISTRATIVE HEARING
MINUTES**

The Virginia Board of Audiology Speech-Language Pathology convened for a formal administrative hearing on Wednesday, November 7, 2007 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 200, 2nd Floor, Training Room #2, Richmond, Virginia.

MEMBERS PRESENT:

Sally Jones-McNamara, MA, SLP, Chair
Geoffrey T. Harter, MD
Ronald Spencer, RN
Mary Kay Wakefield

MEMBER ABSENT:

Kenneth Cox, AuD

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Amy Marschean, Senior Assistant Attorney General, Board Counsel
Rashaun K. Minor, Discipline Operations Manager

PARTIES ON BEHALF OF THE COMMONWEALTH:

Wayne T. Halbleib, Assistant Attorney General
Mykl D. Egan, Adjudication Specialist, Administrative Proceeding Division

WITNESSES:

Patricia J. Snaidman, SLP, Director of Operations, MJ Care, Inc. (*on behalf of the Commonwealth*)

Ellen Boling, RN, Unit Manager, Virginia Baptist Hospital, Centra Health (*on behalf of the Commonwealth*)

Andria P. Christian, Senior Investigator, Department of Health Professions (*on behalf of the Commonwealth*)

OTHERS PRESENT:

Patricia McCallum, Centra Health

COURT REPORTER:

Calvin Addison, Crane-Snead & Associates

MATTER SCHEDULED

Respondent: Kimbrough K. Tucker, SLP License No.: 2202 002339
Case Number: 104829

CALLED TO ORDER

Ms. Jones-McNamara called the formal hearing to order at 1:07 p.m.

PRELIMINARY MATTERS:

The Chair noted that Ms. Tucker was not present and Ms. Tucker was scheduled to appear before the Board on Wednesday, November 7, 2007 at 1:00 p.m.

Mr. Halbleib provided the Chair with a signed affidavit affirming that Notice had been made to Ms. Tucker's official address of record and that the certified mail was returned to the board office on October 23, 2007 as unclaimed; however, the first class notice was not returned to the board office.

RULING:

Based on the information provided, the Chair ruled that proper notice had been made to Ms. Tucker. Therefore, the formal administrative hearing would proceed in Ms. Tucker's absence and the Affidavit was admitted into evidence as Commonwealth's Exhibit #2.

DISCUSSION:

Ms. Tucker did not appear before the Board in accordance with the Notice and Statement of Particulars dated September 27, 2007. Ms. Tucker was not represented by counsel. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Ms. Snaidman, Ms. Boling, and Ms. Christian.

Mr. Halbleib made opening statements and entered into evidence the Notice and Statement of Particulars as Commonwealth Exhibit #1; the Affidavit as Commonwealth's Exhibit #2; and the Report of Investigation as Commonwealth's Exhibit #3.

CLOSED SESSION:

Upon a motion by Mr. Spencer and duly seconded by Dr. Harter, the Board convened a closed meeting pursuant to §2.2-3711.A (28) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Ms. Tucker. Additionally, Ms. Spencer moved that Ms. Hahn, Ms. Marschean, and Ms. Minor attend the closed meeting because their presence in the closed meeting was

deemed necessary and would aid the Board in its deliberations. The vote was unanimous and in favor of the motion.

OPEN SESSION:

Mr. Spencer certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the *Code of Virginia* and the Committee re-convened in open session.

DECISION

Upon a motion by Dr. Harter, and duly seconded by Ms. Wakefield, the Board made the Findings of Fact and Conclusions of Law and voted to **REVOKE** Ms. Tucker’s speech-language pathologist license for not less than three (3) years.

The members voting ‘yes’ were Dr. Harter, Ms. Jones-McNamara, Mr. Spencer, and Ms. Wakefield. There were no negative votes. The vote was unanimous.

ADJOURNMENT

The Committee adjourned the matter at 2:35 p.m.

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.

Susan G. Chadwick, Au.D, Chair

Lisa R. Hahn, Executive Director

Date

Date