

DRAFT

**VIRGINIA BOARD OF PSYCHOLOGY
FORMAL HEARING
MINUTES**

CALL TO ORDER: A panel of the Board of Psychology (“Board”) convened on Tuesday, January 13, 2009, at 10:06 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA., Board Room 4.

MEMBERS PRESENT: Desideria S. Hacker, Ph.D., Vice-Chair
Jeffrey L. Clark, Ph.D.
Krishna Leyva
Sonia H. Price, Esquire
Herbert Lee Stewart, Ph.D.
Michael L. Stutts, Ph.D.

MEMBERS ABSENT: Dr. Ann Benson, Ed.D.
Robert Falk, Ph.D.
Nadia Kuley, Ph.D.

STAFF PRESENT: Howard M. Casway, Sr. Assistant Attorney General
Evelyn B. Brown, Executive Director, Board of Psychology
Patricia L.Larimer, Deputy Executive Director, Board of Psychology
Diana Pollick, Administrative Assistant, Board of Psychology

COURT REPORTER: Lynn Aligood, Capitol Reporting

PARTIES ON BEHALF OF THE COMMONWEALTH: William C. Garrett, Assistant Attorney General
Peter Opper, Adjudication Specialist

WITNESSES: Kelly D. Ashley, Senior Investigator, DHP, *(on behalf of the Commonwealth)*
Client A *(on behalf of the Commonwealth)*
Client A’s spouse *(on behalf of the Commonwealth)*
Linda Mintle, Ph.D., L.C.S.W. *(on behalf of the Commonwealth)*
Mary Demyer, LPC *(on behalf of the Commonwealth)*
Nilima A. Nirmul, Psy.D. *(on behalf of Dr. Nirmul)*
Carolyn M. Johnson, LPC *(on behalf of Dr. Nirmul)*
Dr. Janice Hembree, LPC *(on behalf of Dr. Nirmul)*
Dr. Weare Zwemer, LCP *(on behalf of Dr. Nirmul)*

MATTER SCHEDULED:

Nilima A. Nirmul, Psy.D.
License No.: 0810-002535
Case No.: 118970

DISCUSSION:

Dr. Nirmul appeared before the Board in person in accordance with a Notice and Statement of Particulars dated December 23, 2008. Dr. Nirmul was represented by Glenn R. Croshaw, Esquire.

The Board received evidence and sworn testimony regarding the allegations in the Notice from witnesses called to testify and Dr. Nirmul.

CLOSED SESSION:

Upon a motion by Dr. Stewart and duly seconded by Sonia Price, the Board voted to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Nilima A. Nirmul, Psy.D. Additionally, he moved that Mr. Casway and Diana Pollick attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of § 2.2-3712 of the Code, the Board reconvened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Stutts, and duly seconded by Krishna Leyva, the Board made certain Findings of Fact and Conclusions of Law and voted unanimously to indefinitely suspend Dr. Nirmul’s license. Said suspension may be stayed upon Dr. Nirmul’s completion of a psychological evaluation, and the Board’s review of the report before a Special Conference Committee who will determine under what terms Dr. Nirmul may practice.

ADJOURNMENT:

The Board adjourned at 5:30 p.m.

As provided by law, 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.

Desideria Hacker, Ph.D., Vice -Chair

Evelyn B. Brown, Executive Director

Date

Date