

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
November 13, 2017**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:03 A.M. on November 13, 2017 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS PRESENT:**

Louise Hershkowitz, CRNA, MSHA; Vice President  
Margaret J. Friedenberg, Citizen Member  
Michelle D. Hereford, MSHA, RN, RACHE  
Mark Monson, Citizen Member  
Jennifer Phelps, LPN, QMHPA  
Dustin S. Ross, DNP, MBA, RN, NE-BC

**STAFF PRESENT:**

Brenda Krohn, RN, MS; Deputy Executive Director  
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practices  
Darlene Graham, Senior Discipline Specialist  
Jay P. Douglas, MSN, RN, CSAC, FRE; Executive Director – **joined at 1:35 P.M.**

**OTHERS PRESENT:**

Charis Mitchell, Assistant Attorney General, Board Counsel  
PN students from Germanna Community College

**ESTABLISHMENT OF A PANEL:**

With six members of the Board present, a panel was established

**FORMAL HEARINGS:**

**Nicole Janice Lyons Porter                      0001-244805**  
Ms. Porter appeared and was represented by Nathan Mortier, Esq. and Elizabeth Dahl, Esq. Ms. Porter was accompanied by John and Alicia Lyons, her parents, and Susan Reynolds, MS, RN.

Anne Joseph, Deputy Director for the Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Anna Badgley, Senior Investigator, Department of Health Professions, Susan Reynolds, MS, RN, Nursing Faculty, and Rebecca Britt, Case Manager, Virginia Health Practitioners' Monitoring Program (HPMP), were present and testified.

**RECESS:**

The Board recessed at 10:22 A.M.

**RECONVENTION:**

The Board reconvened at 10:27 A.M.

**CLOSED MEETING:**

Dr. Ross moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:57 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Porter. Additionally, Dr. Ross

moved that Ms. Krohn, Dr. Hills, Ms. Graham, and Ms. 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 11:41 A.M.

Dr. Ross 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.

Mr. Monson moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Phelps moved the Board of Nursing reprimand Nicole Janice Lyons Porter, deny Ms. Porter's application for reinstatement of her registered nurse license, continue her license on indefinite suspension with suspension stayed contingent upon her continued compliance with the Virginia Health Practitioners' Monitoring Program (HPMP), and require her to successfully complete a Board approved refresher course with clinical component before her re-entry into 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.

FORMAL HEARINGS:

**Kellie Bell Garnes, RN 0001-187028**

Ms. Garnes appeared.

Steve Bulger, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Christopher Moore, Senior Investigator, Department of Health Professions, and Dawn France, Case Manager, Virginia Health Practitioners' Monitoring Program (HPMP) testified via telephone.

CLOSED MEETING:

Dr. Ross moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:45 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Garnes. Additionally, Dr. Ross moved that Ms. Krohn, Dr. Hills, Ms. Graham, and Ms. 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 1:03 P.M.

Ms. Phelps 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.

Mr. Monson moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bulger, and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. Ross moved that the Board of Nursing reprimand Kellie Bell Garnes and indefinitely suspend her license to practice professional nursing in the Commonwealth of Virginia for a period of not less than two (2) years. The motion was seconded and passed 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 1:05 P.M.

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

Ms. Douglas joined the meeting at 1:35 P.M.

FORMAL HEARINGS: **Oumie Sabally, CNA 1401-124968**  
Ms. Sabally appeared and was represented by Michael Goodman, Esq., and Eileen Talamante, Esq. Ms. Sabally was accompanied by Marie Umar-Kamara, FNP, DNP, and YaYa Sambou, CNA

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions, Gale Knox, Executive Director at The Hermitage, Colleen Cobb, RN, Director of Health Services at The Hermitage, Marie Umar-Kamara, FNP, DNP, and YaYa Sambou, CNA, were present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:53 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sabally. Additionally, Ms. Phelps moved that Ms. Douglas, Dr. Hills, Ms. Graham, and Ms. 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 5:25 P.M.

Ms. Phelps 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.

Ms. Hereford 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: Mr. Monson moved that the Board of Nursing indefinitely suspend the certificate of Oumie Sabally to practice as a nurse aide in the Commonwealth of Virginia for a period of not less than one (1) year. The motion was seconded and passed with five votes in favor. Dr. Ross 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.

Ms. Douglas left the meeting at 5:36 P.M.

FORMAL HEARINGS: **Tiffany L. Hicks, RN 0001-219148**  
Ms. Hicks did not appear.

David Kazzie, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Jennifer Baker, Senior Investigator, Department of Health Professions, and Joan Naff, RN, Director of Nursing at Rocky Mount Rehab and Healthcare Center, were present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hicks. Additionally, Ms. Phelps moved that Ms. Krohn, Dr. Hills, Ms. Graham, and Ms. 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 6:25 P.M.

Ms. Phelps 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.

Ms. Hereford moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie, and amended by the Board. The motion was seconded and carried unanimously.

**ACTION:**

Mr. Monson moved that the Board of Nursing indefinitely suspend the license of Tiffany L. Hicks to practice professional nursing in the Commonwealth of Virginia for a period of not less than two (2) years. The motion was seconded and passed 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 6:26 P.M.

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Brenda Krohn, RN, MS  
Deputy Executive Director