

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 14, 2018**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:30 A.M., on May 14, 2018 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA, President
Margaret Friedenberg, Citizen Member
Tucker Gleason, PhD, Citizen Member
Michelle Hereford, MSHA, RN, FACHE
Jennifer Phelps, LPN, QMHPA
Grace Thapa, BSN, RN

STAFF PRESENT:

Brenda Krohn, RN, MS, Deputy Executive Director
Jodi Power, Senior Deputy Executive Director
Darlene Graham, Senior Discipline Specialist
Stephanie Willinger, Deputy Executive Director (1st case only)

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Senior Nursing Students from South University
Senior Nursing Students from Riverside School of Professional Nursing
Nurse Aide Students from Park View High School

ESTABLISHMENT OF A PANEL:

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

FORMAL HEARINGS:

Hyunsook Kim Highland, LPN Endorsement Applicant
Ms. Highland appeared accompanied by her husband, Ronald Hunter.

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

Ms. Krohn left the meeting before the closed meeting.

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 10:32 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Highland. Additionally, Ms. Phelps moved that Ms. Power, Ms. Willinger, Ms. Mitchell, and Ms. Graham 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 10:56 A.M.

Ms. Thapa 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. Gaines and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Phelps moved that the Board of Nursing deny the application of Hyunsook Highland for licensure as a practical nurse in the Commonwealth of Virginia. The motion was seconded 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.

FORMAL HEARINGS: **Laurel Stark Byers, RN 0001-166965**
Ms. Byers appeared.

Steven 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.

Lane Raker, Senior Investigator, Department of Health Professions, and Rebecca Britt, Case Manager, Virginia Health Practitioners' Monitoring Program (HPMP), testified via telephone.

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 12:51 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Byers. Additionally, Ms. Phelps moved that Ms. Power, Ms. Krohn, Ms. Mitchell, and Ms. Graham 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 1:40 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. Bulger and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Thapa moved that the Board of Nursing reprimand Ms. Byers, and reinstate her license to practice professional nursing in the Commonwealth of Virginia, and issue an unrestricted license. The motion was seconded, and passed by a vote of five to one.

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.

RECESS: The Board recessed at 1:50 P.M. The students left at recess.

RECONVENTION: The Board reconvened at 2:38 P.M.

FORMAL HEARINGS: **Arnecie Jones, CNA Reinstatement Applicant 1401-098563**
Ms. Jones appeared accompanied by Mitzi Drummond, Case Manager, Richmond Behavioral Health Authority.

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.

Marcella Luna, Senior Investigator, Department of Health Professions, and Ms. Drummond, Case Manager, Richmond Behavioral Health Authority, 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 3:31 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jones. Additionally, Ms. Phelps moved that Ms. Power, Ms. Krohn, Ms. Mitchell, and Ms. Graham 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 4:17 P.M.

Ms. Friedenbergr 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.

Dr. Gleason 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: Ms. Phelps moved that the Board of Nursing reprimand Ms. Jones, and approve her application for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia, upon her successful completion of the nurse aide exam, her entry into the Health Practitioners Monitoring Program (HPMP), and her continued compliance with the program. The motion was seconded 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 4:25 P.M.

Brenda G. Krohn, RN, MS
Deputy Executive Director