

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 21, 2016**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:15 A.M. on March 21, 2016 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
Guia Caliwagan, RN, MAN
Joana Garcia, Citizen Member
Louise Hershkowitz, CRNA, MSHA (joined later)
Mark D. Monson, Citizen Member (joined later)
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP-PC

STAFF PRESENT: Brenda Krohn, RN, MS; Deputy Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel
Nurse Aide students from North Stafford High School and Park View High School
Nursing students from Southside Virginia Community College

ESTABLISHMENT OF A QUORUM:
With five members of the Board present, a panel was established

FORMAL HEARINGS: **Andrew H. Gorski, RN 0001234410**
Mr. Gorski did not appear.

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

Jennifer Challis, Senior Investigator, Department of Health Professions; and Toni Rivers, RN, Director of Programs, Virginia School for Nurse Aides 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 9:40 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Gorski. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, 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 9:50 A.M.

Dr. Poston 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. Caliwagan 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:

Ms. Phelps moved that the Board of Nursing indefinitely suspend the right to renew the registered nursing license of Andrew Gorski for not less than one year and until such time as he can appear before the Board and prove he is safe and competent to 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.

Ms. Hershkowitz and Mr. Monson joined the meeting.

FORMAL HEARINGS:

Diana Klecar, RN 0001167365

Ms. Klecar did not appear.

Emily Tatum, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane-Snead & Associates, recorded the proceedings.

Naima Fellers, Senior Investigator, Department of Health Professions; and Connie Brown-Olds, former Chief Nursing Officer, Healthsouth Rehabilitation Hospital of Fredericksburg 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 10:58 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Klecar. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, 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 11:18 A.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. Garcia moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Tatum. The motion was seconded and carried unanimously.

ACTION:

Mr. Monson moved that the Board of Nursing indefinitely suspend the registered nursing license of Diana Klecar for not less than two years and until such time as she can appear before the Board and prove she is safe and competent to 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:

Krystina L. Kirk, LPN 0002074193

Ms. Kirk appeared.

Amy Weiss, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane-Snead & Associates, recorded the proceedings.

Tonya James, Compliance Case Manager, Board of Nursing was 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 12:49 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kirk. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, 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 1:11 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 Ms. Weiss. The motion was seconded and carried unanimously.

ACTION:

Ms. Hershkowitz moved that the Board of Nursing continue the practical nursing license of Krystina Kirk on indefinite suspension, but stay the suspension contingent upon Ms. Kirk's entry into and compliance with the Health Practitioners Monitoring Program and successful completion of a board approved refresher course prior to beginning practice as a practical nurse. The motion was seconded and carried unanimously.

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RECESS: The Board recessed at 1:15 P.M.

RECONVENTION: The Board reconvened at 1:55 P.M.

FORMAL HEARINGS: **Theresa Brady, RN Reinstatement Applicant 0001190157**
Ms. Brady appeared, represented by Charles Sipe, Esquire

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

Kevin Almeida Senior Investigator, Department of Health Professions; Michael Goldman, DPM; Dan Elash, PhD; and Sandra Fields, RN, former employee of Martha Jefferson Hospital 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 3:52 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Brady. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, 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 4:52 P.M.

Ms. Garcia 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 present by Mr. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Hershkowitz moved that the Board of Nursing issue a reprimand and reinstate the registered nursing license of Theresa Brady and place Ms. Brady on probation with terms and conditions for a period of six months of active employment as a nurse. The motion was seconded and carried. Dr. Hah, Ms. Garcia, Ms. Hershkowitz, Mr. Monson, Ms. Phelps and Dr. Poston were in favor of the motion. Ms. Caliwagan 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.

FORMAL HEARINGS: **Candace N. Waldron, RN Reinstatement Applicant 0001194167**
Ms. Waldron appeared, accompanied by Andrea Smith, friend.

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

Andrea Smith, LPN, former co-worker of Ms. Waldron; Marion McLean, Senior Investigator, Department of Health Professions; and Mary Wiltshire-Fields, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:52 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Waldron. Additionally, Ms. Garcia moved that Ms. Krohn, Ms. Power, 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 6:00 P.M.

Ms. Garcia 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. Caliwagan 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 issue a reprimand and reinstate the registered nursing license of Candace Waldron contingent upon her continued compliance and successful completion of the Health Practitioners Monitoring Program. 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.

Ms. Garcia left the meeting.

FORMAL HEARINGS: **Donna M. Tucker, CNA Applicant**
Ms. Tucker appeared.

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

CLOSED MEETING: Dr. Poston moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:37 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Tucker. Additionally, Dr. Poston moved that Ms. Krohn, Ms. Power, 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 6:47 P.M.

Dr. Poston 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. Hershkowitz 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 approve the application for nurse aide certification of Donna Tucker upon successful completion of the NNAAP examination and further, issue a reprimand to Ms. Tucker. 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.

ADJOURNMENT:

The Board adjourned at 6:55 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director