

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 17, 2017**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:00 A.M. on July 17, 2017 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
Mark Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP-PC
Dustin S. Ross, DNP, MBA, RN

STAFF PRESENT:

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

OTHERS PRESENT:

Erin Barrett, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A PANEL:

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

FORMAL HEARINGS:

Esther Obi Adefoku, CNA 1401-110507
Ms. Adefoku appeared.

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

Deborah Difalco, Senior Investigator, Department of Health Professions, Pamela Reynolds, Administrator/President of Allegiance Home Care, and Emmy Byrnes, Supervisor at Merry Maid, 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 12:17 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Adefoku. Additionally, Dr. Ross moved that Ms. Power, Ms. Graham, and Ms. Barrett 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 12:42 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.

Dr. Ross 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: Mr. Monson moved the Board of Nursing reprimand Esther Obi Adefoku. 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.

RECESS: The Board recessed at 12:50 P.M.

RECONVENTION: The Board reconvened at 2:00 P.M.

FORMAL HEARINGS: **Amy Nicole Richbourg, RN 0001-220821**
Ms. Richbourg appeared represented by Mark Gardner, her attorney.

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

Pat Dewey, Senior Investigator, Department of Health Professions, was present and testified.

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 2:49 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Richbourg. Additionally, Dr. Ross moved that Ms. Krohn, Ms. Power, Ms. Graham, and Ms. Barrett 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 3:05 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.

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

ACTION:

Mr. Monson moved that the Board of Nursing approve Ms. Richbourg's application for reinstatement to practice professional nursing in the Commonwealth of Virginia only and issue a reprimand. The motion was seconded and passed with four 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.

ADJOURNMENT:

The Board adjourned at 3:15 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director