

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
INFORMAL CONFERENCES
June 23, 2014**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:00 A.M., on June 23, 2014 in Board Room 3, Suite 201, Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Allison Gregory, R.N., F.N.P.,-B.C.- Chairperson
Kelly McDonough, D.N.P., R.N.

STAFF PRESENT: Gloria Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director

OTHERS PRESENT: Cynthia Gaines, Adjudication Specialist

CONFERENCES
SCHEDULED:

Adele Arevalo, R.N. 0001-200024

Ms. Arevalo appeared, accompanied by Attorney Larry Pochucha.

CLOSED MEETING: Dr. McDonough moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:47 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Arevalo. Additionally, Dr. McDonough moved that Ms. Mitchell and Ms. Gaines attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 10:28 A.M.

Dr. McDonough moved that the Special Conference Committee of 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.

ACTION: Dr. McDonough moved to issue an Order making findings of fact and conclusions of law, but imposing no sanction on Ms. Arevalo. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Arevalo, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Arevalo within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES
SCHEDULED:

Barbara D. Begley, R.N. 0001-084503
Ms. Begley appeared.

CLOSED MEETING:

Dr. McDonough moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:25 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Begley. Additionally, Dr. McDonough moved that Ms. Mitchell and Ms. Gaines attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 11:46 A.M.

Dr. McDonough moved that the Special Conference Committee of 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.

ACTION:

Dr. McDonough moved to close the case and impose no sanction due to insufficient evidence to warrant disciplinary action by the Board of Nursing. The motion was seconded and carried unanimously.

CONFERENCES
SCHEDULED:

Evangelista Lacson, L.P.N. 0002-085380
Mr. Lacson appeared.

CLOSED MEETING:

Dr. McDonough moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 12:07 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Lacson. Additionally, Dr. McDonough moved that Ms. Mitchell and Ms. Gaines attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 12:20 P.M.

Dr. McDonough moved that the Special Conference Committee of 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.

ACTION: Dr. McDonough moved to issue an Order for completion of NCSBN course: “*Professional Accountability & Legal Liability for Nurses*” within 30 days after Order entry. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Mr. Lacson, unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Lacson within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES
SCHEDULED:

Richard Phillips, R.N. 0001-230520
Mr. Phillips appeared.

CLOSED MEETING: Dr. McDonough moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 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 Mr. Phillips. Additionally, Dr. McDonough moved that Ms. Mitchell and Ms. Gaines attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 1:08 P.M.

Dr. McDonough moved that the Special Conference Committee of 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.

ACTION: Dr. McDonough moved to issue an Order of reprimand to Mr. Phillips and completion of three NCSBN courses within 30 days of Order entry: “*Documentation: A Critical Aspect of Client Care*”, “*Nurse Practice Acts Course (VA)*” and “*Professional Accountability & Legal Liability for Nurses*”. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Mr. Phillips, unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Phillips within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES
SCHEDULED:

Robert Lowry, Jr., R.N. 0001-120304
Mr. Lowry appeared.

CLOSED MEETING:

Dr. McDonough moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:33 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Lowry. Additionally, Dr. McDonough moved that Ms. Mitchell and Ms. Gaines attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 3:03 P.M.

Dr. McDonough moved that the Special Conference Committee of 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.

ACTION:

Dr. McDonough moved to offer Mr. Lowry a Consent Order for indefinite suspension of his license, with said suspension stayed contingent upon verification of Mr. Lowry's entry into the Health Practitioners' Monitoring Program and thereafter remaining in compliance with the terms of the recovery monitoring contract with HPMP. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Mr. Lowry and the Board.

CONFERENCES
SCHEDULED:

Johanna Mitchell, R.N. 0001-241828
Ms. Mitchell did not appear.

Sources present:

Angela Lambert, R.N.- Clinical Manager, Valley Health, Winchester, VA
Kathleen Kagarise- Director of Employee Relations, Valley Health, Winchester, VA

CLOSED MEETING:

Dr. McDonough moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 3:23 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. J. Mitchell. Additionally, Dr. McDonough moved that Ms. G. Mitchell and Ms. Gaines attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the

Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 3:30 P.M.

Dr. McDonough moved that the Special Conference Committee of 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.

ACTION: Dr. McDonough moved to offer Ms. J. Mitchell a Consent Order for indefinite suspension of her license to practice professional nursing in Virginia, until such time that Ms. J. Mitchell shall petition the Board for reinstatement of her license. At such time an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. J. Mitchell and the Board.

CONFERENCES
SCHEDULED:

LaToya Wilson, L.P.N. 0002-073885
Ms. Wilson appeared.

CLOSED MEETING: Dr. McDonough moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 4:02 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Wilson. Additionally, Dr. McDonough moved that Ms. Mitchell and Ms. Gaines attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 4:11 P.M.

Dr. McDonough moved that the Special Conference Committee of 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.

ACTION: Dr. McDonough moved to issue an Order to reprimand Ms. Wilson, deny request for modification and continue on current probation terms. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Wilson, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Wilson within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES
SCHEDULED:

Ashley McGhee, L.P.N. 0002-063701
Ms. McGhee did not appear.

CLOSED MEETING:

Dr. McDonough moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 4:17 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. McGhee. Additionally, Dr. McDonough moved that Ms. Mitchell and Ms. Gaines attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 4:23 P.M.

Dr. McDonough moved that the Special Conference Committee of 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.

ACTION:

Dr. McDonough moved to offer Ms. McGhee a Consent Order for indefinite suspension of her license to practice practical nursing in Virginia, until such time that Ms. McGhee shall petition the Board for reinstatement of her license. At such time an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. McGhee and the Board.

ADJOURNMENT:

The Board adjourned at 4:30 P.M.



for
Gloria Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director