

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
INFORMAL CONFERENCES
August 11, 2015**

- TIME AND PLACE:** The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:10 A.M., on August 11, 2015 in Training Room 2, Suite 201, Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.
- MEMBERS PRESENT:** William Traynham, LPN, CSAC, Chairperson
Kelly McDonough, DNP, RN.
- STAFF PRESENT:** Gloria Mitchell-Lively, RN, MSN, MBA, Deputy Executive Director
- OTHERS PRESENT:** Cynthia Gaines, Adjudication Specialist
- CONFERENCES
SCHEDULED:** **Carkeia Massenburg, L.P.N. 0002-070150**
Ms. Massenburg 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 9:27 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Massenburg. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively 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 9:40 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 of reprimand to Ms. Massenburg. 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. Massenburg, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Massenburg 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:

Rebecca Warner, C.N.A. Reinstatement Applicant 1401-147470

Ms. Warner 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 10:05 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Warner. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively 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 10:10 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 to deny Ms. Warner's application for reinstatement of her certificate to practice as a certified nurse aide in Virginia. 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. Warner, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Warner 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:

Kristen (Smith) Scarbrough, L.P.N. 0002-066350

Ms. Scarbrough 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 10:40 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Scarbrough. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively 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 10:57 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 of reprimand to Ms. Scarbrough and require she provide proof of completing within 60 days of entry of Order, the following four NCSBN online courses: "*Documentation: A Critical Aspect of Client Care*", "*Ethics of Nursing Practice*", "*Professional Accountability & Legal Liability for Nurses*", and "*Respecting Professional Boundaries*". 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. Scarbrough, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Scarbrough 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:

Jessica Taylor, C.N.A. Reinstatement Applicant 1401-090185

Ms. Taylor 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 11:18 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Taylor. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively 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 11:25 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 to reinstate the certificate of Jessica Taylor to practice as a certified nurse aide and issue an unrestricted certificate.

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. Taylor, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Taylor 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:**

Joseph Graves, L.P.N. 0002-033421

Mr. Graves appeared, accompanied by his wife, Evelyn Graves.

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 1:30 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Graves. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively 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 1:45 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 close the case and impose no sanction due to insufficient evidence of a violation of the Nurse Practice Act or Board of Nursing Regulations. The motion was seconded and carried unanimously.

**CONFERENCES
SCHEDULED:**

Jennifer Encarnacao, L.P.N. 0002-061666

Jennifer Encarnacao appeared, accompanied by her attorney, T. Daniel Frith.

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 2:06 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Encarnacao. Additionally, Dr. McDonough moved that Ms.

Mitchell-Lively 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 2:19 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 Ms. Encarnacao. 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. Encarnacao, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Encarnacao 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:

Mary Wade, L.P.N. 0002-077113

Ms. Wade appeared, accompanied by her attorney, Anthony White.

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 2:47 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Wade. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively 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 2:51 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 close the case and impose no sanction due to insufficient evidence of a violation of the Nurse Practice Act or Board of Nursing Regulations. The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at **3:05 P.M.**



Gloria Mitchell Lively, RN, MSN, MBA
Deputy Executive Director