

**BEFORE THE VIRGINIA BOARD OF NURSING AND
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE**

IN RE: ANN CIBUZAR MCTERNAN, R.N., L.N.P.
R.N. License Number: 0001-075991
L.N.P. License Number: 0024-075991
R.N. Expiration Date: November 30, 2016
L.N.P. Expiration Date: November 30, 2016
Case Number: 163801, 163806

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing (“Board”) and Committee of the Joint Boards of Nursing and Medicine (“Committee of the Joint Boards”) regarding your licenses to practice professional nursing and as a nurse practitioner in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board of Nursing and the Committee of the Joint Boards.
DATE AND TIME:	January 12, 2017 at 1:00 p.m.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:
 - If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing and as a nurse practitioner in the Commonwealth;
 - Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Boards' Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board of Nursing and of the Committee of the Joint Boards. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board of Nursing and of the Committee of the Joint Boards. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

1. Deadline for filing materials: January 5, 2017. Submit 5 copies of all documents you want the Board to consider to Sylvia Tamayo-Suijk, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

2. Deadline for filing motions, including requests for continuance or objections to materials, in writing, to Sylvia Tamayo-Suijk at the above address: January 5, 2017. NOTE: the failure to object to materials does not deprive you of the right to contest their contents at the proceeding.

REQUEST FOR A CONTINUANCE


Absent exigent circumstances, such as personal or family illness, a request for a continuance after **January 5, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **January 5, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Ann Cibuzar McTernan, R.N., L.N.P., was licensed to practice professional nursing and as a nurse practitioner in the Commonwealth of Virginia.
2. Ms. McTernan violated Virginia Code § 54.1-3007(7) and 18 VAC 90-30-220(4) of the Regulations Governing the Licensure of Nurse Practitioners (“Regulations”) in that on or about May 28, 2015, the Minnesota Board of Nursing and Ms. McTernan entered into an Order titled Stipulation to Cease Practicing Nursing, pursuant to which Ms. McTernan agreed that she must “cease and desist from practicing nursing in any manner in the State of Minnesota and must neither offer nor provide any nursing services within the state until this Stipulation is rescinded or modified.”
3. Ms. McTernan violated Virginia Code § 54.1-3007(6) and 18 VAC 90-30-220(4) and (5) of the Regulations in that she is unsafe to practice professional nursing and/or as a nurse practitioner due to mental and/or physical illness, as evidenced by the following:
 - a. In its May 28, 2015, Stipulation to Cease Practicing Nursing with Ms. McTernan, the Minnesota Board of Nursing made a finding that Ms. McTernan had been diagnosed with multiple medical concerns requiring further evaluation.
 - b. Ms. McTernan was involuntarily committed for psychiatric treatment in 2005 and 2008 in the state of Minnesota.
4. Ms. McTernan violated Virginia Code § 54.1-3007(3) and 18 VAC 90-30-105(D) and 18 VAC 90-30-220(7) of the Regulations in that Ms. McTernan failed to provide evidence of compliance with continuing competency requirements necessary for the renewal of her nurse practitioner license within 30 days of receiving notice, dated October 19, 2016, that she was subject to an audit of completion of said requirements.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. McTernan's health records or health services.


Sr Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing

December 14, 2016
Date