

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ANN CIBUZAR MCTERNAN, R.N.
License Number: 0001-075991
Case Number: 163806

RATIFICATION AND ORDER

On March 22, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ann Cibuzar McTernan, R.N., submitted written comments.

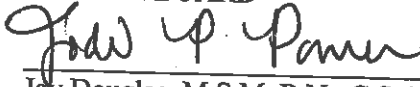
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

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.

Since Ms. McTernan failed to appear at the informal conference, this Order shall be considered final. Ms. McTernan has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. McTernan has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD


Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Certified True Copy

By 
Virginia Board of Nursing

ENTERED AND MAILED ON:

March 29, 2017

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ANN CIBUZAR MCTERNAN, R.N.
License Number: 0001-075991
Case Number: 163806

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing ("Board"), held an informal conference on January 12, 2017 in Henrico County, Virginia, to inquire into evidence that Ann Cibuzar McTernan, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. McTernan did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated December 14, 2016, the Board sent a Notice of Informal Conference ("Notice") to Ms. McTernan notifying her that an informal conference would be held on January 12, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The receipt for the Notice sent via certified mail was signed by Ms. McTernan and returned to the Board office on January 4, 2017. The Notice sent via first-class mail was not returned to the Board office. Ms. McTernan called the Board office on December 20, 2016 and informed staff she did not plan to attend the informal conference. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. McTernan and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Ann Cibuzar McTernan, R.N., was issued License Number 0001-075991 to practice professional nursing on January 18, 1980, which expired on November 30, 2016. Her primary state of residence is Minnesota.
2. Ms. McTernan violated Virginia Code § 54.1-3007(7) in that on 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) in that:
 - 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. Based upon court records, Ms. McTernan was involuntarily committed for psychiatric treatment in 2005 and 2008 in the state of Minnesota.
4. By Order of the Minnesota Board of Nursing dated November 13, 2015, the stipulations to cease practicing were rescinded after a panel reviewed additional records and the results of further evaluation of Ms. McTernan’s medical concerns. She underwent neurocognitive testing for the Minnesota Board of Nursing which did not show any major deficits; however the reviewer recommended a review of her prior psychiatric hospital records.
5. During the interview with the DHP investigator, Ms. McTernan denied any history of mental health treatment but was unable to give a reasonable explanation for her commitments in 2005 and 2008 and she refused to sign releases related to these treatments. She further stated that she last

practiced in direct patient care in 1998. In her written statement to the Board dated December 22, 2016, she stated that she did not plan to renew her Virginia licenses.

6. 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.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The right of Ann Cibuzar McTernan, R.N., to renew her license to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Ann Cibuzar McTernan, R.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Ann Cibuzar McTernan, R.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. McTernan to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. McTernan shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on February 26, 2017
By Allison Gregory, M.S., R.N., F.N.P.-B.C.
Agency Subordinate

Certified True Copy

By 
Virginia Board Of Nursing