

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **FREDERICK KOFI WIABOO YEBOAH, R.N.**
LicenseNumber: **0001-165353**
Case Number: **182618**

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on January 31, 2018, in Henrico County, Virginia, to inquire into evidence that Frederick Kofi Wiaboo Yeboah, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Frederick Kofi Wiaboo Yeboah, R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated November 20, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Yeboah notifying him that a formal administrative hearing would be held on January 31, 2018. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On July 16, 1999, the Board issued License Number 0001-165353 to Frederick Kofi Wiaboo Yeboah, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license

was summarily suspended by the Board on November 20, 2017. At all times relevant hereto, said license was in full force and effect. His primary state of residence is Virginia.

2. On November 20, 2017, the Board of Nursing entered an Order summarily suspending Mr. Yeboah's license to practice professional nursing in the Commonwealth of Virginia.

3. In August of 2017, Patient A, a female patient, was admitted to Sentara Northern Virginia Medical Center for treatment. During her stay, the patient was cared for by Mr. Yeboah, a registered nurse employed by Sentara Northern Virginia Medical Center.

4. On August 24, 2017, Mr. Yeboah made inappropriate sexual comments to Patient A. The patient reported that she was wearing an old shirt that was "see-through." Further, while he was caring for her, Mr. Yeboah touched her breasts and inserted his finger into her vagina without her consent. According to the police officer who investigated the incident, Mr. Yeboah had told Patient A, as Patient A had related to the police officer, that her breasts were "big, brown, and pretty."

5. During a telephone interview with the investigator for the Department of Health Professions, Patient A reported that she had told Mr. Yeboah to stop touching her and that she was not comfortable with it. According to Patient A, Mr. Yeboah "played it off." When she asked him what would happen if someone walked into the room while he was touching her, Mr. Yeboah replied that he had locked the door. The patient stated to the investigator that Mr. Yeboah had taken advantage of her.

6. Patient A notified the hospital staff of the incident the next day, on August 25, 2017, and requested that the police be contacted so that she could file a formal report. Mr. Yeboah's employment was terminated, and he was charged with one count of misdemeanor sexual battery and one count of felony object sexual penetration by force in the General District Court of Prince William County, Virginia.

7. Upon the hospital's issuance of a press release about Mr. Yeboah's arrest, the Prince William County Police Department was contacted by five women claiming to be victims of Mr. Yeboah. Four women were former co-workers of Mr. Yeboah, and one was a former patient. An investigation revealed that Mr. Yeboah had engaged in unwanted physical contact with at least four of these women.

8. During the course of his employment with INOVA Mount Vernon Hospital, Alexandria, Virginia, he engaged in unwanted physical contact with multiple female co-workers. He also repeatedly expressed his intent and desire to touch another female co-worker without her consent. Specifically:

a. Mr. Yeboah grabbed Retta Henriques' breast from behind without her consent.

When she turned around, Mr. Yeboah was laughing. She confronted him and warned him to never touch her again, but he laughed and said he did not think she would mind.

b. In April of 2017, Mr. Yeboah touched Briana Moreland inappropriately when reviewing paperwork with her. Specifically, he asked her about tattoos on her chest and used a pencil to move her top to look at her chest.

c. Mr. Yeboah made multiple comments to Individual C, Sharina Nixon-Thibou, about his intent and desire to touch her without her consent despite repeated attempts by her to make him stop. He said that he would warm her up after she complained of being chilly. He said that he could kiss her. He said that if he had the opportunity to place a Foley catheter inside her, he would become "so excited," and he made ethnically-charged comments related to her appearance. He also touched her breast while handling her work identification badge that was clipped on her work uniform near her chest.

d. Mr. Yeboah forcibly kissed Individual D, Cheryl Harrism on multiple occasions, and held her down in a chair during her lunch break on one occasion while he kissed her. He also used her camera phone to take two selfies of himself, both of which were later stored in Ms. Harris' digital cloud, and he did not have permission to use her phone.

9. Mr. Yeboah's employment with Sentara Northern Virginia Medical Center was terminated following his sexual assault of Patient A. He resigned his employment at INOVA Mount Vernon Hospital after receiving a written disciplinary form for violation of their anti-harassment policy. This disciplinary action at Mount Vernon would have required him to take remedial anti-harassment/anti-sexual harassment training, but he resigned instead.

10. Mr. Yeboah denied the allegations. The Board did not find his testimony credible, and he made multiple inconsistent statements.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-19-230(A)(2)(f) of the Regulations Governing the Practice of Nursing.

2. Findings of Fact No. 8(a) through 8(d) constitute violations of Virginia Code § 54.1-3007(5).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The license of Frederick Kofi Wiaboo Yeboah, R.N., to practice professional nursing in the Commonwealth of Virginia is REVOKED.
2. The license of Mr. Yeboah will be recorded as REVOKED.

3. This Order applies to Mr. Yeboah's practice in Virginia, whether by Virginia licensure or by privilege arising from multistate licensure in another Compact State. Pursuant to the Nurse Licensure Compact, when an Order imposes adverse action against a Virginia multistate license, the multistate licensure privilege shall be deactivated in all party states for the duration of this Order and until all uniform licensure requirements are met.

4. Pursuant to Virginia Code § 54.1-2408.2, should Mr. Yeboah seek reinstatement of his license after three years, the reinstatement of Mr. Yeboah's license shall require the affirmative vote of three-fourths of the members at a formal administrative proceeding convened by the Board. At such time, the burden shall be on Mr. Yeboah to demonstrate that he is safe and competent to return to the practice of professional nursing. Mr. Yeboah 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.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

FOR THE BOARD



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

ENTERED AND MAILED ON:

March 15th, 2018

Certified True Copy
By Graham
Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.