

**VIRGINIA BOARD OF NURSING
MINUTES
November 14, 2007**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:05 A.M. on November 14, 2007 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

PRESIDING: Judith E. Piersall, R.N., B.S.N., President

BOARD MEMBERS PRESENT: Lynne M. Cooper, Citizen Member, Vice President
Peregrin C. Francisco, R.N., M.S.A.
Linda D. Gross, Citizen Member
Brenda L. Hale, R.N.
John M. Horn, L.P.N.
Patricia C. Lane, R.N.
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.

BOARD MEMBERS ABSENT: Woody B. Hanes, R.N., M.S.N., F.N.P.
Florence Jones-Clarke, R.N., M.S., Secretary

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline
Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide Program Manager
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education
Jessica Ressler, R.N. Nursing Education Consultant
Linda Kleiner, R.N., Discipline Case Manager
Amy Davis, Administrative Assistant
Huong Vu, Administrative Assistant

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Sandra Whitley Ryals, Director, Department of Health Professions
Emily O. Wingfield, Deputy Director, Department of Health Professions
Elaine Yeatts, Policy Analyst, Department of Health Professions (joined later)
Michelle Satterlund, representing VCNP
Susan Motley, Executive Director of VNA

ESTABLISHMENT OF A QUORUM: With eleven members of the Board present, a quorum was established.

ANNOUNCEMENTS:

- Ms. Cooper has been appointed as a Director-at-Large for the National Council of State Boards of Nursing. Board of Directors.
- Huong Vu was introduced. Ms. Vu will be covering the duties of Amy Davis, Administrative Assistant while Ms. Davis is on an extended leave.
- Linda Kleiner, R.N., Discipline Case Manager was introduced.
- The next meeting of the Committee of the Joint Boards of Nursing and Medicine is scheduled for December 5, 2007.
- Department of Health Professions orientation for new Board members is scheduled for November 28, 2007. All Board members are invited to attend.
- The Prescription Monitoring Program Conference is being held November 16, 2007 here at the Department of Health Professions. Board members are encouraged to attend.
- The Legislative Coalition of Nurses/Virginia Partnership for Nursing Summit is being held November 16, 2007.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed two items from the proposed consent agenda. Ms. Cooper moved to accept the consent agenda which includes:

September 17, 2007 – Panel – Ms. Piersall
September 18, 2007 – Board Meeting – Ms. Piersall
September 19, 2007 - Quorum – Ms. Piersall
September 19, 2007 – Panel – Ms. Piersall
September 19, 2007 – Panel – Ms. Cooper
September 20, 2007 – Panel – Ms. Cooper
September 26, 2007 – Telephone Conference Call – Ms. Piersall
October 10, 2007 – Telephone Conference Call – Ms. Piersall
Health Practitioners Intervention Program Report – Ms. Douglas

REPORTS:

Finance Report:

Ms. Douglas reviewed the report for the month ending September 30, 2007.

Monthly Tracking Log:

Ms. Douglas reviewed the number of licensees, discipline information and case standard statistics in the report noting an increase in number of cases closed in October compared to September which can be attributed to increased delegation to staff.

Executive Director Report:

In addition to written report submitted, Ms. Douglas reported that Jessica Ressler, Nursing Education Consultant for the Board of Nursing has been appointed to the National Council of State Boards of Nursing Faculty Qualifications Committee for a two year term. Ms. Ressler was chosen for her expertise and talent regarding nursing education and faculty qualifications.

Ms. Douglas announced that Dr. Paula Saxby, Deputy Executive Director of Education for the Board of Nursing was honored as alumni of Old Dominion University School of Nursing. Dr. Saxby was recognized for her support of nursing as staff of the Virginia Board of Nursing and specifically for her efforts to enhance the quality of nursing education in Virginia.

Board of Nursing licensing staff will participate in a National Council of State Boards of Nursing web cast training on November 19, 2007 to enhance the skills of staff to recognize fraudulent application documents.

Medication Aide Program Update:

Ms. Krohn, Deputy Executive Director reported that currently there are 52 education programs providers approved by the Board of Nursing to prepare individuals to become medication aides in assisted living facilities. Approved providers according to region are:

- Richmond area – 10
- Tidewater – 3
- Southwest Virginia – 12
- Western Virginia – 6
- Northern Virginia - 12
- South Central Virginia – 7
- Out of state – 1 in Maryland, 1 in North Carolina

The Board of Nursing has 32 applications for registration as a medication aide pending. An additional 6 applicants are eligible to take the exam however have not tested at this time.

EDUCATION PROGRAMS:

Education Special Conference Committee:

The Board considered the recommendations of the Education Special Conference Committee from its meeting on November 13, 2007. Mr. Horn moved to adopt the recommendations as amended. The motion was seconded and approved unanimously.

Ms. Ressler provided a summary from the Education Special Conference Committee regarding Richmond School of Health of Technology Practical Nursing Education Program.

Ms. Cooper commended the Education Special Conference Committee for their efforts.

Mary Marshall Scholarship Fund:

Jessica Ressler, Nursing Education Consultant provided information regarding the status of the Mary Marshall Scholarship Fund. The ending cash balance June 30, 2007 was \$48,138.39 in the registered nurse fund and \$18,288.01 in the practical nurse for a total of \$66,426.40. During FY07 \$44,843 was distributed in scholarships to 54 registered nurses in the approximate amount of \$802 each and \$12,309 was distributed in scholarships to practical nurses in the approximate individual amount of \$438.

National Council of State Boards of Nursing (NCSBN) Research Brief:

Ms. Ressler highlighted that no difference in post-entry level registered nurses regardless of geographic locations. She also noted an increase in post-entry practical nurses working in long term care and community settings and that 48% report performing administrative roles.

National Council of State Boards of Nursing NCLEX Invitational:

Ms. Ressler attended the NCLEX Invitational held in Chicago September 24, 2007. She reported representatives from six Virginia nursing education programs were present. The conference consisted of updating information relating to both the NCLEX-RN and NCLEX-PN and included discussions regarding the changes to the NCLEX-RN passing standard, revisions to the NCLEX-PN test plan, information concerning international testing, and the methods used to ensure a secure examination.

DIALOGUE WITH DIRECTOR:

Ms. Ryals presented information to the Board on the following issues:

- Board of Nursing budget requests and the Department of Health Professions budget process.
- Governor's Health Reform Commission recommendations of a development of a Health Care Work Force Data Center.
- Nurse practitioner expanded scope of practice as a means to remove barriers to access to care. Ms. Ryals stated legislation regarding the Health Reform Commission recommendations may move forward in this years General Assembly.
- Health Practitioners Intervention Program's current five year agreement is coming to a close December 31, 2007 and is being reviewed internally. The agreement allows for a one year extension. Ms. Ryals sought input from Board members regarding the Health Practitioners Intervention Program, comment/ suggestions provided by Board members included:
 - request for statistics regarding successes, reasons for dismissal.
 - information regarding affordability of program and options.
 - determination of what the Board of Nursing is looking for in the program.
 - possibly seeking funding from other sources to assist nurses with financial impact of treatment.
 - questions regarding the length of contracts.
 - periodic education for Board members from HPIP staff.
 - information regarding how HPIP handles participants with dual diagnosis of mental health and substance abuse issues.
 - clarification on how much is the Board's responsibility to "heal" those with impairments.
 - question on the costs included by other states for similar programs.
 - hesitancy to refer respondents in some circumstances where Board believed HPIP was not a realistic option.
- There are more than 5,000 open cases within the Department of Health Professions; all processes are being reviewed to assist the Department in meeting performance measures set.
- Ms. Ryals attended a nursing leadership forum held at University of Virginia.

OTHER MATTERS:

Clinical Simulation Clinic:

Ms. Hale distributed an article regarding the clinical simulation clinic at Radford University School of Nursing.

Virginia National Nurse Aide Assessment Program Information:

Ms. Power and Dr. Saxby reported on the meeting held October 10, 2007 with Promissor, the nurse aide testing contractor. Ms. Douglas and Michael Ketner, Department of Health Professions Contracts Manager also attended the meeting. Topics included:

- Promissor staff presented an overview of changes and enhancements in the nurse aide testing process over the past 11 years of our contract relationship.
- The five-year plan for Pearson VUE to continue to assess and allow Promissor (which they acquired in 2006) to continue with accountability and responsibility for nurse aide testing.
- Promissor staff presented statistics on increased testing volume, increased speed in application processing and decreased wait time for test date to be scheduled (average now is 21 days), all which are significant improvements since 2005 under prior subcontractors.
- Promissor staff proposed ideas to help improve Virginia's pass rate on the skills portion of the exam, which averages 69% when the national average is 81%.
- Promissor suggested electronic transfer of successful testing candidates twice per week (instead of once per week), which is an enhancement and will facilitate faster certification of nurse aides. This is set to begin the week of October 15, 2007.
- Michel Ketner requested a second six-month extension of the current contract with Promissor, which would end on June 30, 2008. This extension will allow the RFP process to occur pursuant to state requirements and current approval process. Promissor representatives indicated they would be agreeable to another extension. It was agreed that Ms. Ketner would forward an extension letter in the near future.

Ms. Power asked for a Board member volunteer to serve on the RFP Committee. Ms. Lane volunteered to serve on the RFP Committee for the Nurse Aide testing contract.

RECESS:

The Board recessed at 10:20 A.M.

RECONVENTION:

The Board reconvened at 10:50 A.M. without Mr. Casway.

Agency Subordinate Process:

Ms. Piersall reviewed the information provided to Board members regarding the agency subordinate process that included:

- Minutes from the September 19, 2006 Board meeting.
- Handouts provided September 19, 2006.
- Evaluation of agency subordinate process provided by Ms. Douglas at the July 17, 2007 meeting.
- Sample notices for informal conferences conducted by agency subordinates.

- Sample cover letter sent to the respondent who appeared and to the respondent who did not appear at the informal conference.
- Sample recommended decision of the agency subordinate document mailed to the respondent.
- Cover letter for order entered by the Board (respondent appeared and respondent who did not appear at the informal conference).
- Copy of the regulations pertaining to the agency subordinate process.

Ms. Lane expressed her appreciation for the materials provided particularly the sample letter to the respondent. Ms. Piersall suggested to include in that letter that respondents have five minutes to address the Board when appearing at the Board's consideration of the recommendations from the agency subordinate. Ms. Gross suggested that staff develop a "what to expect" fact sheet related to appearing before the Board following an IFC conducted by an agency subordinate. Ms. Gross requested that the Board review the draft of this document.

Request for Accommodation:

CLOSED SESSION:

Ms. Cooper moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 11:20 A.M. for the purpose of deliberation to reach a decision in the matter of NNAAP modification request. Additionally, Ms. Cooper moved that Ms. Douglas, Ms. Power, Ms. Mitchell, Dr. Saxby, Ms. Ressler, Ms. Krohn, Ms. Kleiner, Ms. Ryals, Ms. Davis and Ms. Vu attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its deliberations.

The motion was seconded and approved unanimously.

RECONVENTION:

The Board reconvened in open session at 11:24 A.M.

Ms. Cooper moved that 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.

Cecelia A. Davis, C.N.A. Applicant

Ms. Ponn moved to approve the accommodation request for use of an electronic blood pressure apparatus to take the skills portion of the NNAAP exam.

The motion was seconded and approved unanimously.

Ms. Yeatts joined the meeting.

PUBLIC HEARING:

- 18VAC90-60-10 et seq. Reinstatement Requirements for Medication Aides
- 18VAC90-30-10 et seq. Delegation to an Agency Subordinate – Nurse Practitioner Cases

No one was present to provide public comment on proposed regulations:

OPEN FORUM: No one was present to address the Board.

Mr. Casway rejoined the meeting.

LEGISLATION/REGULATIONS:

Status of Board of Nursing Regulations:

The information was provided for information, no action was needed.

Adoption of Guidance Document on Protocol Requirements for Licensed Nurse Practitioners:

Following the recent audit of nurse practitioner protocols, it was recommended that a guidance document be developed to further specify the elements of a protocol and the responsibilities of the nurse practitioner for maintenance of a current protocol for each practice setting. The document also specifies that there is a distinction between the protocol and the practice agreement required for prescriptive authority. The guidance document was reviewed by the nurse practitioner members of the Committee of the Joint Boards of Nursing and Medicine and by the Advisory Committee. It was then adopted by the Board of Medicine on October 18, 2007.

Mr. Horn moved to adopt the guidance document for nurse practitioner protocols. The motion was seconded and carried unanimously.

Proposed Regulations for Pain Management for Nurse Practitioners:

The Notice of Intended Regulatory Action (NOIRA) was published on February 5, 2007 with comment on the NOIRA received until March 7, 2007 for nurse practitioners. A draft of proposed regulations, which is identical to the proposed regulations adopted by the Board of Medicine for doctors of medicine, osteopathic medicine and podiatry and for physician assistants.

Ms. Hale moved to adopt the proposed regulations for pain management for nurse practitioners.

The motion was seconded and carried unanimously.

Notice of Periodic Review for Regulations Governing Certification of Massage Therapists:

Executive Order 36 (2006) on the Development and Review of Regulations requires that an agency conduct a review of its regulations at least one every four years. The Virginia Board of Nursing concluded its review of Regulations Governing the Certification of Massage Therapists in 2003. Therefore, the Board needs to begin the process of conducting a periodic review.

Ms Hale moved to approve a Notice of Periodic Review for 18VAC90-50-10 et seq. with a request for comment beginning December 10, 2007 and ending January 9, 2008. The motion was seconded and carried unanimously.

Ms. Yeatts advised that 3 Board members were needed to serve on the committee.

Ms. Francisco, Mr. Horn and Dr. Selig volunteered to serve as a committee along with the Massage Therapy Advisory Group to review the regulations.

Petition for Rule Making:

Ms. Yeatts reported that a petition for rule making has been received regarding the Commission on Graduates of Foreign Nursing Schools requirement for licensure in Virginia. Additional information will be provided at the January 2008 meeting.

Ms. Ryals, Ms. Yeatts, Dr. Saxby and Ressler left the meeting.

RECESS: The Board recessed at 11:50 A.M.

RECONVENTION: The Board reconvened at 1:12 p.m.

OTHER MATTERS CONTINUED:

Nominations Committee:

Ms. Piersall requested volunteers for the Nomination Committee whose charge will be to prepare a slate of officers, President, Vice President and Secretary for consideration at the January 2008 Annual meeting. Pursuant to Board of Nursing bylaws, a slate will be mailed to Board members at least thirty days in advance of the January meeting. Ms. Piersall volunteered to chair the committee, Ms. Gross and Ms. Francisco also volunteered to serve.

CONSIDERATION OF CONSENT ORDERS:

CLOSED SESSION: Ms. Cooper moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:40 P.M. for the purpose of consideration and discussion of consent orders and recommendations regarding applicants. Additionally, Ms. Cooper moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Power, Ms. Kleiner, Ms. Davis, Ms. Vu and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:42 P.M.

Ms. Cooper moved that 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.

CONSIDERATION OF CONSENT ORDERS:

Sylvia M. Spencer, R.N. 0001-058711

Dr. Selig moved to accept the consent order to indefinitely suspend the registered nurse license of Sylvia Spencer for a period of not less than two years, with said suspension stayed contingent upon receipt of proof that Ms.

Spencer has entered into a recovery monitoring contract with the Health Practitioners Intervention Program.

The motion was seconded and approved unanimously.

Marissa L. Leftwich, L.P.N. 0002-071635

Ms. Cooper moved to accept the consent order for the voluntary surrender for indefinite suspension of Marissa Leftwich's license to practice practical nursing in the Commonwealth. This suspension applies to any multistate privilege to practice practical nursing.

The motion was seconded and approved unanimously.

Mary Elizabeth Adams, R.N. 0001-167524

Ms. Cooper moved to accept the consent order for the indefinite suspension of Mary Elizabeth Adams license to practice professional nursing in Virginia. This suspension applies to any multistate privilege to practice professional nursing.

The motion was seconded and approved unanimously.

RECOMMENDATION REGARDING APPLICANTS:

Patricia Gentry, C.N.A. Applicant

Ms. Gentry did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate that the application of Patricia Gentry for certification by examination be approved. Upon receiving proof of Ms. Gentry signing a participation contract with the Health Practitioners Intervention Program, and successful completion of the NNAAP examination, Ms. Gentry shall be issued a certificate to practice as a nurse aide with terms.

The motion was seconded and approved unanimously.

Colleen H. Stanton, R.N. Applicant

Ms. Stanton did not appear.

Ms. Lane moved to accept the recommended decision of the agency subordinate that the application of Colleen Stanton for licensure by endorsement as a registered nurse be approved on the condition that she continue to comply with all terms and conditions of the recovery monitoring contract with the Health Practitioners Intervention Program for the period specified in the contract. The license shall be a single state licensed marked "Valid in Virginia Only".

The motion was seconded and approved unanimously.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

CLOSED SESSION:

Ms. Cooper moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:46 P.M. for the purpose of consideration and discussion of recommended decisions of agency subordinates. Additionally, Ms. Cooper moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Power, Ms. Kleiner, Ms. Davis, Ms. Vu and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:00 P.M.

Ms. Cooper moved that 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.

Ms. Hale moved to accept the recommended decision of the agency subordinate on the following cases.

The motion was seconded and carried unanimously.

Betty Bryant, C.N.A. 1401-009748

Accept the recommended decision of the agency subordinate that Betty Bryant be reprimanded.

Linda Hunter, C.N.A. 1401-014727

Accept the recommended decision of the agency subordinate that the nurse aide certificate of Linda Hunter be indefinitely suspended until such time as she can provide evidence that she is able to resume safe and competent nurse aide practice.

Stella Johnson, C.N.A. 1401-016397

Accept the recommended decision of the agency subordinate that Stella Johnson be reprimanded.

Patricia Annette Dukes Moore, C.N.A. 1401-0524459

Accept the recommended decision of the agency subordinate that the right to renew the nurse aide certificate of Patricia Annette Dukes Moore be revoked with a finding of abuse.

Paula Jones, C.N.A. 1401-096657

Accept the recommended decision of the agency subordinate that Paula Jones be reprimanded.

Kenny Rucyamuzi, C.N.A. 1401-105926

Accept the recommended decision of the agency subordinate that the right to renew the nurse aide certificate of Kenny Rucyamuzi be revoked with a finding of abuse.

Rochelle Noakes, C.N.A. 1401-104383

Accept the recommended decision of the agency subordinate that Rochelle Noakes be reprimanded.

Katherine Sprinkle, C.N.A. 1401-051047

Accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of Katherine Sprinkle's certificate to practice as a nurse aide in the Commonwealth of Virginia until

such time as she can provide sufficient evidence that she is able to resume safe and competent nurse aide practice.

Letha Hill, R.N. 0001-165315

Accept the recommended decision of the agency subordinate that the right of Letha Hill to renew her license to practice professional nursing be indefinitely suspended until such time as she is able to resume the safe and competent practice of practical nursing.

Larry Shultz, L.P.N. 0002-058848

Accept the recommended decision of the agency subordinate that the right of Larry Shultz to renew his license to practice practical nursing be indefinitely suspended until such time as he is able to resume the safe and competent practice of practical nursing.

Nancy D. Short, L.P.N. 0002-064510

Accept the recommended decision of the agency subordinate that the right to renew the license of Nancy Short be indefinitely suspended.

Eddie W. Bowling, L.P.N. 0002-070591

Accept the recommended decision of the agency subordinate that the right to renew the license of Eddie Bowling be indefinitely suspended until such time as he is able to resume the safe and competent practice of practical nursing.

Joyce J. (Sabetta) Rasmussen, R.N. 0001-166839

Accept the recommended decision of the agency subordinate that the license of Joyce (Sabetta) Rasmussen be indefinitely suspended for not less than one year and until such time as she is able to resume the safe and competent practice of professional nursing.

Shannon E Morris, R.N. 0001-167178

Accept the recommended decision of the agency subordinate that the Board take no action contingent upon Shannon Morris' continued compliance with all terms and conditions of the recovery monitoring contract with the Health Practitioners Intervention Program.

Valencia M. Grandison, C.N.A. 1401-084789

Accept the recommended decision of the agency subordinate that the certificate of Valencia Grandison be revoked with a finding of abuse.

Antwonette L. Hairston, C.N.A. 1401-095550

Accept the recommended decision of the agency subordinate that the certificate of Antwonette Hairston be revoked with a finding of abuse.

Lisa R. Ames, C.N.A. 1401-073189

Accept the recommended decision of the agency subordinate that the certificate of Lisa Ames be revoked with a finding of abuse and neglect.

Zainab Bunduka, C.N.A. 1401-089500

Accept the recommended decision of the agency subordinate that the certificate of Zainab Bunduka be revoked with a finding of abuse.

Dilisa Bradley, L.P.N. 0002-037416

Accept the recommended decision of the agency subordinate that Dilisa Bradley be reprimanded and to pay a monetary penalty of \$250 to the Board within sixty days of the date the order is entered.

Susan A. Fontana, L.P.N. 0002-049880

Accept the recommended decision of the agency subordinate that Susan Fontana be reprimanded and to pay a monetary penalty of \$100 to the Board within sixty days of the date the order is entered.

Christopher Mwangi, L.P.N. 0002-055864

Accept the recommended decision of the agency subordinate that the license of Christopher Mwangi be indefinitely suspended for not less than two years.

Gayle King Shortt, R.N. 0001-148706

Accept the recommended decision of the agency subordinate that the license of Gayle King Shortt be indefinitely suspended until such time as she can appear before the Board and demonstrate that she is safe and competent to resume the practice of professional nursing.

Yolanda Townsend, L.P.N. 0002-056967

Accept the recommended decision of the agency subordinate that Yolanda Townsend be reprimanded and to pay a monetary penalty of \$100 to the Board within sixty days of the date the Order is entered.

Evelyn V. Womack, L.P.N. 0002-015987

Accept the recommended decision of the agency subordinate that Evelyn Womack be reprimanded.

Jan Wooten, R.N. 0001-147097

Accept the recommended decision of the agency subordinate that the Board accept the voluntary surrender for indefinite suspension of the license of Jan Wooten to practice as a professional nurse in the Commonwealth of Virginia.

Myra Feldman, R.N. 0001-086745

Ms. Feldman appeared.

CLOSED SESSION:

Ms. Cooper moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:05 P.M. for the purpose of consideration and discussion of recommended decision of the agency subordinate. Additionally, Ms. Cooper moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Power, Ms. Kleiner, Ms. Davis, Ms. Vu and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:17 P.M.

Ms. Cooper moved that 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.

Ms. Cooper moved to accept the recommended decision of the agency subordinate that the license of Myra Feldman be indefinitely suspended for not less than two years and until such time as she able to resume the safe and competent practice of professional nursing.

The motion was seconded and carried. Ms. Piersall, Ms. Cooper, Ms. Francisco, Ms. Gross, Ms. Hale, Mr. Horn, Ms. Lindsay, Mr. Logan, Ms. Ponn and Dr. Selig were in favor of the motion. Ms. Lane opposed the motion.

Elizabeth Leming, L.P.N. 0002-067844

Ms. Leming appeared.

CLOSED SESSION:

Ms. Cooper moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:17 P.M. for the purpose of consideration and discussion of recommended decision of the agency subordinate. Additionally, Ms. Cooper moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Power, Ms. Kleiner, Ms. Davis, Ms. Vu and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:27 P.M.

Ms. Cooper moved that 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.

Ms. Lane moved to reject the recommended decision of the agency subordinate and refer the matter of Elizabeth Leming to a formal hearing. The motion was seconded and carried. Ms. Lindsay, Ms. Gross, Ms. Hale, Ms. Lane, Ms. Francisco, Ms. Ponn were in favor of the motion. Ms. Cooper, Mr. Horn, Mr. Logan, Ms. Piersall, and Dr. Selig opposed the motion.

Judith Scott, R.N. 0001-109884

Ms. Scott appeared.

CLOSED SESSION:

Ms. Cooper moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:35 P.M. for the purpose of consideration and discussion of recommended decision of the agency subordinate. Additionally, Ms. Cooper moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Power, Ms. Kleiner, Ms. Davis, Ms. Vu and Mr.

Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:42 P.M.

Ms. Cooper moved that 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.

Dr. Selig moved to reject the recommended decision of the agency subordinate and dismiss the case in the matter of Judith Scott.

The motion was seconded and carried unanimously.

Barbara Singleton, R.N. 0001-089166

Ms. Singleton appeared, accompanied by Janet Ours, attorney.

CLOSED SESSION: Ms. Cooper moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:50 P.M. for the purpose of consideration and discussion of recommended decision of the agency subordinate. Additionally, Ms. Cooper moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Power, Ms. Kleiner, Ms. Davis, Ms. Vu and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:00 P.M.

Ms. Cooper moved that 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.

Ms. Hale moved to reject the recommended decision of the agency subordinate and refer the matter of Barbara Singleton to a formal hearing.

The motion was seconded and carried. Ms. Piersall, Ms. Cooper, Ms. Francisco, Ms. Gross, Ms. Hale, Mr. Horn, Mr. Logan and Dr. Selig were in favor of the motion. Ms. Lindsay, Ms. Lane and Ms. Ponn opposed the motion.

CLOSED SESSION: Ms. Cooper moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 3:25 P.M. for the purpose of consideration and discussion of recommended decisions of agency subordinates. Additionally, Ms. Cooper moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Power, Ms. Kleiner, Ms. Davis, Ms. Vu and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:45 P.M.

Ms. Cooper moved that 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.

Tracy Delduco, L.P.N. 0002-070945

Ms. Delduco did not appear.

Dr. Selig moved to reject the recommended decision of the agency subordinate and moved to suspend the license of Tracy Delduco for not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Rebecca A. Higgins, C.N.A. 1401-117749

Ms. Higgins did not appear.

Ms. Hale moved to amend the recommended decision of the agency subordinate to remove conclusion of law #1 and finding of fact #3.

The motion was seconded and carried unanimously.

Audrey L. Shadkami, C.N.A. 1401-103969

Ms. Shadkami did not appear.

Ms. Cooper moved to amend the recommended decision of the agency subordinate to take no action at this time in the matter of Audrey Shadkami contingent upon verification of Ms. Shadkami entering into the Health Practitioners Intervention Program within thirty days of entry of the order and remaining in compliance with the terms of the contract with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Ella Nobles, L.P.N. 0002-019593

Ms. Nobles did not appear.

Dr. Selig moved to reject the recommended decision of the agency subordinate and refer the matter of Ella Nobles to a formal hearing.

The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 3:45 P.M.

Lynne Cooper, Citizen Member
Vice President

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.

Draft - Unapproved

**VIRGINIA BOARD OF NURSING
POSSIBLE SUMMARY SUSPENSION
November 14, 2007**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 1:05 P.M. on November 14, 2007 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

PRESIDING: Judith E. Piersall, R.N., B.S.N., President

**BOARD MEMBERS
PRESENT:**

Lynne M. Cooper, Citizen Member, Vice President
Peregrin C. Francisco, R.N., M.S.A.
Linda D. Gross, Citizen Member
Brenda L. Hale, R.N.
John M. Horn, L.P.N.
Patricia C. Lane, R.N.
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.

**BOARD MEMBERS
ABSENT:**

Woody B. Hanes, R.N., M.S.N., F.N.P.
Florence Jones-Clarke, R.N., M.S., Secretary

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry
Manager

Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director,
Discipline
Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide
Program Manager
Linda Kleiner, R.N., Discipline Case Manager
Amy Davis, Administrative Assistant
Huong Vu, Administrative Assistant

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Wayne Halbleib, Senior Assistant Attorney General
Anne Joseph, Deputy Director, Administrative Proceedings Division
LaRhonda Carter, Adjudication Specialist

ESTABLISHMENT OF
A QUORUM:

With eleven members of the Board present, a quorum was established.

Wayne Halbleib, Assistant Attorney General presented evidence that the continued practice of Amber Hudson, L.P.N. 0002-071100, may present a substantial danger to the health and safety of the public.

Ms. Hale moved to summarily suspend the license of Amber Hudson with said suspension stayed pending proof of entering into a participation contract with the Health Practitioners Intervention Program.

ADJOURNMENT

The meeting was adjourned at 1:32 P.M.

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