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VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 27, 2014

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on January 27, 2014 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Louise D. Hartz, Citizen Member; Vice President
Allison Gregory, RN, FNP-BC
Louise Hershkowitz, CRNA, MSHA
Jane R. Ingalls, RN, PhD (joined later)
Jeanne Holmes, Citizen Member
William Traynham, LPN, CSAC

BOARD MEMBER ABSENT:

John M. Horn, LPN

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Jane Elliott, RN, EdD; Discipline Staff (joined later)
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General
Students from John Tyler Community College, Southside Regional Medical Center, Rappahannock Community College

ESTABLISHMENT OF A QUORUM:

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

FORMAL HEARINGS: **Jennifer Bucklew, CNA 1401-143804**

Ms. Bucklew did not appear.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Wanda Blanks, court reporter with Farnsworth and Taylor Reporting, recorded the proceedings.

Patricia Harte-Byers, Senior Investigator, Department of Health Professions; and Kotrina O'Neal, Chief Privacy Officer, Bon Secours Health System were present and testified.

CLOSED MEETING: Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:21 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bucklew. Additionally, Ms.

Gregory moved that Ms. Douglas, Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell 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 9:35 A.M.

Ms. Gregory 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. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Gregory moved that the Board of Nursing revoke the nurse aide certificate of Jennifer Bucklew. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Jessica Bucklew, CNA 1401-144759**
Ms. Bucklew did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Wanda Blanks court reporter with Farnsworth and Taylor Reporting, recorded the proceedings.

Patricia Harte-Byers, Senior Investigator, Department of Health Professions; and Kotrina O'Neal, Chief Privacy Officer, Bon Secours Health System were present and testified.

CLOSED MEETING: Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:03 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bucklew. Additionally, Ms. Gregory moved that Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell 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 10:14 A.M.

Ms. Gregory 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.

Mr. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Hershkowitz moved that the Board of Nursing revoke the nurse aide certificate of Jessica Bucklew. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Kimberly M. Mawyer, RN 0001**
Ms. Mawyer did not appear.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Wanda Blanks, court reporter with Farnsworth and Taylor Reporting, recorded the proceedings.

Ann Hardy, Senior Investigator, Department of Health Professions; and Dawn France, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:31 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Mawyer. Additionally, Ms. Gregory moved that Ms. Douglas, Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell 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 11:39 A.M.

Ms. Gregory 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. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount.
The motion was seconded and carried unanimously.

ACTION: Ms. Gregory moved that the Board of Nursing issue a reprimand to Kimberly Mawyer and to continue the professional nursing license of Ms. Mawyer on indefinite suspension until such time as she can appear before the Board and prove that she is safe and competent to practice. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Douglas left the meeting to attend to other business, Dr. Elliott joined the meeting.

RECESS: The Board recessed at 11:45 A.M.

RECONVENTION: The Board reconvened at 1:00 P.M.

FORMAL HEARINGS: **Linda A. Keen, RN Reinstatement Applicant 0001-215485**
Ms. Keen appeared accompanied by friends, Jim Aulisio, Janice Aulisio and Eileen Brady.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Wanda Blanks, court reporter with Farnsworth and Taylor Reporting, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions; and Chris Bowers, Intake Coordinator, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:02 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Keen. Additionally, Ms. Gregory moved that Ms. G. Mitchell, Dr. Elliott, Ms. Graham and Ms. C. Mitchell 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 2:30 P.M.

Ms. Gregory 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. Hershkowitz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing reinstate the professional nursing license of Linda Keen and continue her license on indefinite suspension, stay the suspension contingent upon Ms. Keen's compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Sheree S. Wentz, RN 0001-07749**
Ms. Wentz did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Wanda Blanks, court reporter with Farnsworth and Taylor Reporting, recorded the proceedings.

Lisa Elgin, Senior Investigator, Department of Health Professions; and Lisa Grow, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:58 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wentz. Additionally, Ms. Gregory moved that Ms. G. Mitchell, Dr. Elliott, Ms. Graham and Ms. C. Mitchell 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. Gregory 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. Hershkowitz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones.
The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing issue a reprimand to Sheree Wentz and to continue the professional nursing license of Ms. Wentz on indefinite suspension until such time as she can appear before the Board and prove that she is safe and competent to practice. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Joi Kelly, RN 0001-223227**
Ms. Kelly appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Wanda Blanks, court reporter with Farnsworth and Taylor Reporting, recorded the proceedings.

Sherry Foster, Senior Investigator, Department of Health Professions; and Ernestine Goode, RN, Nurse Manager, Hunter Holmes McGuire Medical Center were present and testified.

CLOSED MEETING: Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:47 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kelly. Additionally, Ms. Gregory moved that Ms. G. Mitchell, Dr. Elliott, Ms. Graham and Ms. C. Mitchell 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 5:42 P.M.

Ms. Gregory 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. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Hershkowitz moved that the Board of Nursing place the professional nursing license of Joi Kelly on supervised probation with terms for a period of not less than two years and upon completion of three National Council of State Boards of Nursing online courses "Professional Ethics in Nursing Practice", "Professional Accountability and Legal Liability for Nurses", and "Sharpening Critical Thinking Skills". The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 5:44 P.M.

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Gloria D. Mitchell, RN, MSN, MBA
Deputy Executive Director