

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 30, 2014**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:15 A.M. on January 30, 2014 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Jane R. Ingalls, RN, PhD; President
Evelyn Lindsay, LPN
Guia Caliwagan, RN, MAN
Kelly S. McDonough, DNP, RN
Trula Minton, MS, RN

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Students from Bon Secours School of Nursing and George Washington University

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

FORMAL HEARINGS: **Megan Garrett, CNA 1401-155615**
Ms. Garrett appeared.

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

Sue Zich, Senior Investigator, Department of Health Professions testified by videoconference.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(15) of the *Code of Virginia* at 9:45 A.M., for the purpose of consideration and discussion of mental health records Megan Garrett that are excluded from the Freedom of Information Act Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis, Ms. Mitchell, Ms. Gaines, Ms. Garrett and Ms. Bush 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 10:16 A.M.

Ms. Lindsay 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. Douglas left the meeting.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:35 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Garrett. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Davis and Ms. 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 10:46 A.M.

Ms. Lindsay 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. McDonough 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. Minton moved that the Board of Nursing indefinitely suspend the nurse aide certification of Megan Garrett, but stay the suspension contingent upon her entry into the Health Practitioners Monitoring Program and remaining thereafter in 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.

RECESS: The Board recessed at 10:50 A.M.

RECONVENTION: The Board reconvened at 11:04 A.M.

Ms. Douglas rejoined the meeting.

FORMAL HEARINGS: **Angela Burton, CNA Applicant; RMA Applicant**
Mr. Burton appeared.

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

Ms. Davis left the meeting to attend to other business.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:25 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Burton. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power and Ms. 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 11:35 A.M.

Ms. Lindsay 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. McDonough 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: Dr. McDonough moved that the Board of Nursing deny the applications for nurse aide certification and medication aide registration of Angela Burton. 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. Davis rejoined the meeting.

FORMAL HEARINGS: **Elizabeth B. Brown, RN Reinstatement Applicant 0001-231028**
Ms. Brown appeared.

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

Gayle Miller, Senior Investigator, Department of Health Professions and Dawn France, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:14 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Brown. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis and Ms. 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 12:27 P.M.

Dr. McDonough 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. McDonough 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. Caliwagan moved that the Board of Nursing reinstate the professional nursing license of Elizabeth Brown, valid in Virginia only; indefinitely suspend the license, but stay the suspension contingent upon Ms. Brown's continued 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.

RECESS: The Board recessed at 12:30 P.M.

RECONVENTION: The Board reconvened at 1:20 P.M.

FORMAL HEARINGS: **Vanessa Jones, CNA 1401-004028**
Ms. Jones did not appear.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Holly Bush, court reporter with Farnsworth and Taylor Reporting, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; and Adia Powell, Occupational Therapist, Envoy of Stratford Hills were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:39 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jones. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis and Ms. 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 1:47 P.M.

Ms. Lindsay 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. McDonough moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing revoke the nurse aide certification of Vanessa Jones and enter a finding of abuse against her into the Virginia Nurse Aide Registry. 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.

RECESS:

The Board recessed at 1:50 P.M.

RECONVENTION:

The Board reconvened at 2:06 P.M.

FORMAL HEARINGS:

Sade J. Smith, CNA Reinstatement Applicant 1401-119290; RMA Applicant
Ms. Smith appeared.

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

Kevin Almeida, Senior Investigator, Department of Health Professions was present and testified. Darlene Meade, LPN, Our Lady of Peace, Christopher Center testified by telephone.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:53 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Smith. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis and Ms. 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 3:05 P.M.

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

ACTION:

Ms. Lindsay moved that the Board of Nursing reprimand Sade Smith and reinstate her nurse aide certification; and further moved to approve her application for medication aide registration. 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 3:07 P.M.

Jodi P. Power, RN, JD
Deputy Executive Director