

**VIRGINIA BOARD OF NURSING
MINUTES
Panel - A
March 25, 2015**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on March 25, 2015 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
Guia Caliwagan, RN, MAN
Jeanne Holmes, Citizen Member
Evelyn Lindsay, LPN
Kelly McDonough, DNP, RN
Mark D. Monson, Citizen Member

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A QUORUM:

With six members of the Board present, a panel was established

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:00 A.M. for the purpose of consideration of a consent order. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Graham 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 9:08 A.M.

Ms. Holmes 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.

Eddie Jo Young Batliner, RN 0001-206825

Ms. Holmes moved that the Board of Nursing accept the consent order to reinstate the license of Eddie Jo Young Batliner to practice as a registered nurse. The motion was seconded and carried unanimously.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Shri Gandhi, RMA 0031-001997

Mr. Gandhi appeared, accompanied by Lisa Leiner, Esquire.

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:15 A.M. for the purpose of consideration of agency subordinate recommendation. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Graham 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 9:26 A.M.

Ms. Holmes 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. Lindsay moved to reject the recommended decision of the agency subordinate and to refer the matter regarding Shri Gandhi to a formal hearing. The motion was seconded and carried unanimously.

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:30 A.M. for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Graham 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 9:35 A.M.

Ms. Holmes 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.

Christine Keaton, CNA 1401-135229

Ms. Keaton did not appear.

Ms. Holmes moved that the Board of Nursing modify the recommended decision of the agency subordinate indefinitely suspend the right to renew the nurse aide certificate of Christine Keaton until such time as she can demonstrate that she is

safe and competent to resume nurse aide practice. The motion was seconded and carried unanimously.

Shana Horsley, RMA 0031-006455

Ms. Horsley did not appear.

Ms. Holmes moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the right to renew the medication aide registration of Shana Horsley until such time as that she can provide the Board with proof of completion of the required continuing education. The motion was seconded and carried unanimously.

Donna Anders, RMA 0031-006041

Ms. Anders did not appear.

Ms. Holmes moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the right to renew the medication aide registration of Donna Anders until such time as she submits evidence of completion of the required continuing education hours. The motion was seconded and carried unanimously.

Kathleen Mongiovi, RN 0001-239-899

Ms. Mongiovi did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to order Kathleen Mongiovi to have an evaluation with a mental health/chemical dependency specialist satisfactory to the Board and have a written report of the evaluation including a diagnosis, recommended course of therapy, prognosis and any recommendations sent to the Board within 90 days after this Order is entered. The motion was seconded and carried unanimously.

Anne Hood, RN 0001-171384

Ms. Hood did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of Anne Hood, but stay the suspension contingent upon her entry into and compliance with the Health Practitioners Monitoring Program or until such time as she can come before the Board and prove she is safe and competent to practice as a registered nurse. The motion was seconded and carried unanimously.

Janae Harbor, LPN 0002-081469

Ms. Harbor did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to impose a monetary penalty of \$300 on Janae Harbor to be paid to the Board within 90 days. The motion was seconded and carried unanimously.

Robin Davis (Thompson), LPN 0002-085104

Ms. Davis did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Robin Davis (Thompson) to practice as a practical nurse, but stay the suspension contingent upon her entry into and compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Sharry Anderkin, CNA 1401-034985

Ms. Anderkin did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Sharry Anderkin and that findings of abuse and misappropriation of patient property be entered against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Kristy Phillips, RN multistate privilege (NC license 194612)

Ms. Phillips did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Kristy Phillips and to indefinitely suspend her privilege to practice in Virginia until such time as she can come before the Board and show that she is safe and competent of practice as a registered nurse. The motion was seconded and carried unanimously.

Kay Cataquet, CNA 1401-120526

Ms. Cataquet did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate reprimand Kay Cataquet and that she be ordered to undergo an evaluation by a chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis and any recommendations sent to the Board within 90 days after the date this order is entered. Upon receipt of the required information, the Board may request that Ms. Cataquet reappear before an agency subordinate in order to consider the specialist's recommendations and to make a final disposition of the matter. The motion was seconded and carried unanimously.

Emily Edwards, CNA 1401-137228; RMA 0031-006751

Ms. Edwards did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate and medication aide registration of Emily Edwards for not less than one year and until such time as she can demonstrate that she is safe and competent to resume nurse aide and medication aide practice. Further, order that a finding of neglect based on a singular occurrence be entered against Ms. Edwards in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Felicia Fitzgerald, CNA 1401-155398; RMA 0031-002951

Ms. Fitzgerald did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely revoke the nurse aide certificate and medication aide registration of Felicia Fitzgerald and that a finding of misappropriation of patient property be entered against her in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Wanda Grosvenor, CNA 1401-117822

Ms. Grosvenor did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Wanda Grosvenor and that a finding of abuse be entered against her in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Betty Lin Lawson, CNA 1401-104182

Ms. Lawson did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Betty Lawson until such time as she can demonstrate that she is safe and competent to resume nurse aide practice. The motion was seconded and carried unanimously.

Derek Robinson, CNA 1401-014859

Mr. Robinson did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate place Derek Robinson on probation with terms and conditions for a period of two years of actual nurse aide practice. The motion was seconded and carried unanimously.

Tiffany Vaughn, CNA 1401-157247

Ms. Vaughn did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Tiffany Vaughn. The motion was seconded and carried unanimously.

Kathy Meily, RMA 0031-006051

Ms. Meily did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the medication aide registration of Kathy Meily until such time as she can provide the Board with proof of completion of the required continuing education. The motion was seconded and carried unanimously.

Miranda North, CNA 1401-159449

Ms. North did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Miranda North. The motion was seconded and carried unanimously.

Robin Stevens, CNA 1401-119804

Ms. Stevens did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certification of Robin Stevens until such time as she can come before the Board and show that she is safe and competent to practice as a certified nurse aide. The motion was seconded and carried unanimously.

Jasmine Wheeler, CNA 1401-156354

Ms. Wheeler did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Jasmine Wheeler and to indefinitely suspend the right to renew the nurse aide certification of Ms. Wheeler for not less than one year and until such time as she can come before the Board to show that she is safe and competent to practice as a nurse aide. The motion was seconded and carried unanimously.

Natai Michael, CNA 1401-163712

Ms. Michael did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certification of Natai Michael and that a finding of abuse be entered against her in the Nurse Aide Registry . The motion was seconded and carried unanimously.

Michelle N. Briddell, RMA 0031-005573

Ms. Briddell did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the medication aide registration of Michelle Briddell until such time as she submits evidence of completion of the required continuing education hours. The motion was seconded and carried unanimously.

Terri E. Davis, RMA 0031-006357

Ms. Davis did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the medication aide registration of Terri Davis until such time as she submits evidence of completion of the required continuing education hours. The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at 9:35 A.M.

Brenda Krohn, RN, MS
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 25, 2015
Panel -A**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:00 A.M. on March 25, 2015 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
Guia Caliwagan, RN, MAN
Jeanne Holmes, Citizen Member
Evelyn Lindsay, LPN
Kelly S. McDonough, DNP, RN
Mark D. Monson, Citizen Member

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Nursing students from Lynchburg College, Bryant and Stratton College, Bon Secours Memorial College of Nursing and Blue Ridge Community College

ESTABLISHMENT OF A QUORUM:

With six members of the Board present, a panel was established

FORMAL HEARINGS:

Daniel Wyatt, RN 0001-165718

Mr. Wyatt appeared, accompanied by his wife, Angela Wyatt and represented by Eileen Talamante and Michael Goodman.

David Kazzie, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Mary Treta, court reporter with Crane Snead Reporting, recorded the proceedings.

Kevin Pultz, Senior Investigator, Department of Health Professions; Elizabeth Early, Director of Pharmacy, Sentara Rockingham Memorial Hospital; Krista Fetterman, RN, Director of Emergency Department, Sentara Rockingham Memorial Hospital; Nina Noble, CNA, RMA, former patient at Augusta Health; and Diane Moody, RN, Administrator, Augusta Health were present and testified.

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 2:00 P.M., for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Mr. Wyatt. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Graham 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 2:15 P.M.

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

ACTION: Ms. Lindsay moved that the Board of Nursing close the case regarding Daniel Wyatt due to insufficient evidence of a violation. 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 2:20 P.M.

RECONVENTION: The Board reconvened at 3:10 P.M.

FORMAL HEARINGS: **Ellyn W. Algarin, RN Reinstatement Applicant 0001-121823**
Ms. Algarin appeared.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Mary Treta, court reporter with Crane Snead Reporting, recorded the proceedings.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:58 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Algarin. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Graham 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 4:50 P.M.

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

ACTION: Mr. Monson moved that the Board of Nursing deny reinstating the license of Ellyn Algarin to practice as a registered nurse. The motion was seconded and carried. Ms. Holmes, Ms. Lindsay, Dr. McDonough, Mr. Monson and Ms. Phelps were in favor of the motion. Dr. Hahn and Ms. Caliwagan opposed the motion.

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: **Yvonne Beasley, LPN 0002-070529**
Ms. Beasley did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Mary Treta, court reporter with Crane Snead Reporting, recorded the proceedings.

Gloria Bland, Staffing Supervisor, Care Advantage was present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:14 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Beasley. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Graham 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 5:18 P.M.

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

ACTION: Mr. Monson moved that the Board of Nursing indefinitely suspend the license of Yvonne Beasley to practice as a practical nurse until such time as she can appear before the Board and prove 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.

ADJOURNMENT: The Board adjourned at 5:20 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director

VIRGINIA BOARD OF NURSING
MINUTES
March 25, 2015
Panel – B

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on March 25, 2015 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

William Traynham, LPN, CSAC; Vice President
Joana Garcia, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Louise Hershkowitz, CRNA, MSHA
Jane R. Ingalls, RN, PhD
Trula Minton, MS, RN
Jennifer Phelps, LPN, QMHPA

STAFF PRESENT: Gloria Mitchell-Lively, RN, MSN, MBA; Deputy Executive Director
Jodi Power, RN, JD; Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT: James Rutkowski, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A QUORUM:

With seven members of the Board present, a panel was established.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Ashley Hamay, RN 0001-170332
Ms. Hamay appeared.

CLOSED MEETING: Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:04 A.M., for the purpose of consideration of agency subordinate recommendation. Additionally, Ms. Hershkowitz moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Mr. Rutkowski 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 9:11 A.M.

Ms. Minton 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. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Ashley Hamay to practice as a registered nurse, but stay the suspension contingent upon her entry into and compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Gloria Solomon, CNA 1401-110191

Ms. Solomon did not appear.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certification of Gloria Solomon and that a finding of misappropriation of patient property be entered against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Heather R. Clift, RN 0001-224274

Ms. Clift did not appear.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Heather Clift to practice as a registered nurse until such time as she can demonstrate that she is able to resume the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

Kelly Miller, RN 0001-164337

Ms. Miller did not appear.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the license of Kelly Miller to practice as a registered nurse until such time as she can demonstrate that she is able to resume the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

Glenda R. Fields, CNA 1401-081632

Ms. Fields did not appear.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certification of Glenda Fields and to enter a finding of abuse against her in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Raven Hundley, CNA 1401-163618

Ms. Hundley did not appear.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certification of Raven Hundley, but stay the suspension contingent upon her entry into and compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Coralee Martin, CNA 1401-127193

Ms. Martin did not appear.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certification of Coralee Martin and to enter a finding of neglect against her in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Cindy Y. Montague, CNA 1401-060691

Ms. Montague did not appear.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certification of Cindy Montague and to enter a finding of abuse against her in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Tracy L. Ohlinger, RN 0001-153954

Ms. Ohlinger did not appear.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of the right to renew the license of Tracy Ohlinger to practice as a registered nurse until such time as she is able to demonstrate that she can resume the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

Cherie Huffman, LPN 0002-076120

Ms. Huffman did not appear.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Cherie Huffman to practice as a practical nurse until such time as she can come before the Board and prove that she is safe and competent to resume practice. The motion was seconded and carried unanimously.

CLOSED MEETING:

Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:45 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Hershkowitz moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Mr. Rutkowski 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 10:02 A.M.

Ms. Hershkowitz 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.

Hansaben Shah, RMA 0031-002865

Ms. Shah did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Hansaben Shah. The motion was seconded and carried unanimously.

Tara Foreman, CNA 1401-117381

Ms. Foreman did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Tara Foreman. The motion was seconded and carried unanimously.

Nealynn Stapleton, LPN 0002-082450

Ms. Stapleton did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against Nealynn Stapleton contingent upon her entry into the Health Practitioners Monitoring Program within 90 days of entry of the order and her continued compliance with the Health Practitioners Monitoring Program for the period specified by the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Angela Cozart, RN 0001-145297

Ms. Cozart did not appear.

Ms. Hershkowitz moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the license of Angela Cozart to practice as a registered nurse, but stay the suspension contingent upon her entry into and compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried. Ms. Phelps, Ms. Gerardo, Mr. Traynham, Ms. Hershkowitz, Ms. Garcia and Ms. Minton were in favor of the motion. Dr. Ingalls opposed the motion.

Kimberly L. Horwath, LPN 0002-072315

Ms. Horwath did not appear.

Dr. Ingalls moved that the Board of Nursing modify the recommended decision of the agency subordinate to reprimand Kimberly Horwath and require Ms. Horwath to complete the National Council of State Boards of Nursing online courses "Professional Accountability and Legal Liability for Nurses" and Ethics of Nursing Practice" within 90 days of entry of the order. The motion was seconded and carried unanimously.

Crystal Spinner, CNA 1401-126968

Ms. Spinner did not appear.

Ms. Phelps moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Crystal Spinner. The motion was seconded and carried unanimously.

Lynn M. Halterman, RN 0001-111163

Ms. Halterman did not appear.

Ms. Phelps moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the multistate privilege and right to renew or reinstate the license of Lynn Halterman to practice as a registered nurse in Virginia until such time as she is able to demonstrate that she can resume the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

Krista Bugg Wilburn, RN 0001-160354

Ms. Wilburn did not appear.

Ms. Gerardo moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the license of Krista Wilburn to practice as a registered nurse, but stay the suspension contingent upon her entry into and remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried. Ms. Gerardo, Ms. Phelps, Mr. Traynham, Ms. Hershkowitz, Ms. Garcia, Ms. Minton were in favor of the motion. Dr. Ingalls opposed the motion.

Mark Mayberry, RN 0001-149223

Mr. Mayberry did not appear.

Ms. Phelps moved that the Board of Nursing accept the recommended decision of the agency subordinate to place Mark Mayberry on probation with terms and conditions for a period of two years of actual nursing employment. The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at 10:05 A.M.

Jodi P. Power, RN, JD
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 25, 2015
Panel – B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:19 A.M. on March 25, 2015 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
William Traynham, LPN, CSAC; Vice President
Joana Garcia, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Louise Hershkowitz, CRNA, MSHA
Jane R. Ingalls, RN, PhD
Trula Minton, MS, RN
Jennifer Phelps, LPN, QMHPA

STAFF PRESENT: Gloria Mitchell-Lively, RN, MSN, MBA; Deputy Executive Director
Jodi Power, RN, JD; Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT: James Rutkowski, Assistant Attorney General, Board Counsel

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

FORMAL HEARINGS: **Leslie Kay Martin, RN 0001-220113**
Ms. Martin did not appear.

Amanda Blount, Adjudication Specialist represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Juan Ortega, court reporter with Crane Snead Reporting, recorded the proceedings.

Wendy Morris, Senior Investigator, Department of Health Professions and Carie Morris, RN, Nursing Supervisor, Riverside Regional Medical Center were present and testified.

CLOSED MEETING: Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:48 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Martin. Additionally, Ms. Hershkowitz moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Mr. Rutkowski 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 10:56 A.M.

Ms. Hershkowitz 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. Minton 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:

Dr. Ingalls moved that the Board of Nursing indefinitely suspend the license of Leslie Kay Martin to practice as a registered nurse, but stay the suspension contingent upon her entry into and 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:

Brandi Welcher, CNA Reinstatement Applicant 1401-109661

Ms. Welcher appeared, accompanied by her fiancée, Glenn Hale.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Juan Ortega, court reporter with Crane Snead Reporting, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions and Glenn Hale were present and testified.

CLOSED MEETING:

Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:55 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Welcher. Additionally, Ms. Hershkowitz moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Mr. Rutkowski 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 12:28 P.M.

Ms. Garcia 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. Gerardo 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 deny the reinstatement application of nurse aide certification of Brandi Welcher. The motion was seconded and carried. Ms. Phelps, Ms. Gerardo, Dr. Ingalls, Mr. Traynham, Ms.

Hershkowitz and Ms. Minton were in favor of the motion. Ms. Garcia opposed the motion.

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 1:19 P.M.

FORMAL HEARINGS: **Nicole Jones, CNA 1401-155639**
Ms. Jones appeared, accompanied by her mother, Sharon Jones.

Amy Weiss, Adjudication Specialist represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Juan Ortega, court reporter with Crane Snead Reporting, recorded the proceedings.

Jennifer Challis, Senior Investigator, Department of Health Professions; was present and testified.

CLOSED MEETING: Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:43 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jones. Additionally, Ms. Hershkowitz moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Mr. Rutkowski 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. Ms. Garcia 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. Minton moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Weiss and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. Ingalls moved that the Board of Nursing indefinitely suspend the nurse aide certification of Nicole Jones for a period of not less one year with a finding of neglect to be entered against her in the Nurse Aide Registry based on a single incident. 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: **Amanda Evans, CNA 1401-142351**
Ms. Evans did not appear.

Amy Weiss, Adjudication Specialist represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Juan Ortega, court reporter with Crane Snead Reporting, recorded the proceedings.

Jennifer Challis, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:20 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Evans. Additionally, Ms. Hershkowitz moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Mr. Rutkowski 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 2:25 P.M.

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

ACTION: Dr. Ingalls moved that the Board of Nursing indefinitely suspend the nurse aide certification of Amanda Evans for a period of not less than one year and enter a finding of neglect against her into the Nurse Aide Registry based on a single incident. 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 2:27 P.M.

RECONVENTION: The Board reconvened at 2:36 P.M.

FORMAL HEARINGS: **Melissa Irene Snead, RN Reinstatement Applicant 0001-202190**
Ms. Snead did not appear.

Amanda Blount, Adjudication Specialist represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Juan Ortega, court reporter with Crane Snead Reporting, recorded the proceedings.

Joyce Shelton-Jones, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:50 P.M., for the

purpose of deliberation to reach a decision in the matter of Ms. Snead. Additionally, Ms. Hershkowitz moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Mr. Rutkowski 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 2:55 P.M.

Ms. Garcia 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. Phelps 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. Hershkowitz moved that the Board of Nursing deny the reinstatement application of Melissa Snead and continue her license to practice as a registered nurse 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.

ADJOURNMENT:

The Board adjourned at 2:58 P.M.

Jodi P. Power, RN, JD
Deputy Executive Director