

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 18, 2015**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on May 18, 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
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
Jane Ingalls, RN, PhD
Mark D. Monson, Citizen Member
Stephanie Quinby, CMT Advisory Board Member

STAFF PRESENT: Brenda Krohn, RN, MS; Deputy Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Nursing students from South University and Buckingham Career and Technology

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

FORMAL HEARINGS: **Sean Cowan, CMT 0019-013177**
Mr. Cowan did not appear.

Wendy Deaner, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Chris Bowers, Case Manager, Health Practitioners Monitoring Program 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 9:19 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Cowan. Additionally, Ms. Hershkowitz moved that Ms. Power, 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 9:28 A.M.

Dr. Ingalls 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. Deaner.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hershkowitz moved that the Board of Nursing issue an order to reprimand to Sean Cowan and to indefinitely suspend his certificate to practice as a massage therapist for a period of not less than two years and until such time as he can appear before the Board and prove that he 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:

Louis Sanchez, CMT 0019-011182

Mr. Sanchez appeared, accompanied by his mother, Maggie Morjan.

Wendy Deaner, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Michelle Crone, Senior Investigator, Department of Health Professions; Angela Ulsh, client of Mr. Sanchez; and Lucio Cisneros, RN, Owner/Director of Massage Heights; were present and testified.

CLOSED MEETING:

Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:05 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Sanchez. Additionally, Ms. Caliwagan moved that Ms. Power, 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 12:38 P.M.

Dr. Ingalls 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. Deaner and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Quinby moved that the Board of Nursing revoke the massage therapy certification of Louis Sanchez. The motion was seconded and carried. Ms. Hershkowitz, Dr. Ingalls, Mr. Monson and Ms. Quinby were in favor of the motion. Ms. Caliwagan, Dr. Hahn and Ms. Holmes opposed the motion.

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Ms. Quinby left the meeting.

RECESS: The Board recessed at 12:40 P.M.

RECONVENTION: The Board reconvened at 1:32 P.M.

FORMAL HEARINGS: **Deborah Smith, RN 0001-1591136**
Ms. Smith did not appear.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Laura Pezzulo, Senior Investigator, Department of Health Professions; Bonnie Turner, RN, Director of Nursing, Danville Regional Medical Center and Kathy Ward, Case Manager, Health Practitioners Monitoring Program 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 2:26 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Smith. Additionally, Ms. Hershkowitz moved that 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 2:42 P.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. Holmes 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: Dr. Ingalls moved that the Board of Nursing issue an order of reprimand and indefinitely suspend the license of Deborah Smith to practice as a registered nurse for a period of not less than two years. The motion was seconded and carried.

Dr. Hahn, Ms. Holmes, Ms. Caliwagan, Ms. Hershkowitz, and Dr. Ingalls were in favor of the motion. Mr. Monson 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:

Wayne L. Cooke, LPN 0002-077171

Mr. Cooke appeared, accompanied by a friend, Lisa Updike.

Amy Weiss, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Meghan Wingate, Senior Investigator, Department of Health Professions; and Nikkia Burkes, RN, Director of Nursing, Heritage Hall were present and testified.

CLOSED MEETING:

Ms. Herskowitz that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:49 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Cooke. Additionally, Ms. Hershkowitz moved that Power, 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 4:42 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. Hershkowitz 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 issue an order of reprimand and place Wayne Cooke on probation with terms for two years of employment as a practical nurse and require Mr. Cooke complete the National Council of State Boards of Nursing online courses “Documentation: A Critical Aspect of Client Care”, “Ethics of Nursing Practice”, “Medication Errors: Detection and Prevention” and “Professional Accountability and Legal Liability for Nurses” within 90 days of entry of the order. The motion was seconded and carried unanimously.

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FORMAL HEARINGS:

DeLontea A. Rinehart, RN Reinstatement Applicant 0001-207615

Ms. Rinehart appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:40 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Rinehart. Additionally, Ms. Caliwagan moved that Ms. Power, 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 5:59 P.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.

Mr. Monson 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 issue an order of reprimand to DeLontea Rinehart and reinstate her license to practice as a registered nurse. 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: **Kelli L. Saxton, RN 0001-213096**
Ms. Saxton did not appear.

Amy Weiss, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Lane Raker, Senior Investigator, Department of Health Professions; and Rebecca Britt, Case Manager, Health Practitioner's Monitoring Program 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 6:22 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Saxton. Additionally, Ms. Hershkowitz moved that Ms. Power, 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 6:28 P.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. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Weiss. The motion was seconded and carried unanimously.

ACTION:

Mr. Monson moved that the Board of Nursing issue an order of reprimand to Kelli Saxton and to indefinitely suspend her license to practice as a registered nurse for a period of not less than two years and 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 6:30 P.M.

Brenda Krohn, MS, RN
Deputy Executive Director