

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 21, 2015**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:02 A.M. on May 21, 2015 in Board Room 2, 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
Evelyn Lindsay, LPN
Kelly McDonough, DNP, RN
Trula Minton, MS, RN

STAFF PRESENT: Gloria D. Mitchell-Lively, RN, MSN, MBA; Deputy Executive Director
Jane Elliott, RN, PhD; Discipline Staff
Amy Davis, Executive Assistant

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Nursing students from Riverside College

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

FORMAL HEARINGS: **India L. Madison, LPN 0002-083579**
Ms. Madison did not appear.

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

Kimberly Lynch, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:24 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Madison. Additionally, Ms. Garcia moved that Ms. Mitchell-Lively, Dr. Elliott, 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 9:32 A.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:

Ms. Lindsay moved that the Board of Nursing indefinitely suspend the practical nursing license of India Madison for a period of not less than one year 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.

FORMAL HEARINGS:

David Odum, RN Multistate Privilege (SC license 82908)

Mr. Odum did not appear.

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

Deborah DiFalco, Regional Enforcement Manager, Department of Health Professions; April McClain, RN, Shenandoah Memorial Hospital; and Kim Hood, Intake Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:05 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Odum. Additionally, Ms. Garcia moved that Ms. Mitchell-Lively, Dr. Elliott, 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 10:10 A.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. Minton 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. Gerardo moved that the Board of Nursing indefinitely suspend the multistate privilege of David Odum to practice in Virginia. 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 10:13 A.M.

RECONVENTION: The Board reconvened at 10:19 A.M.

FORMAL HEARINGS: **Gina Swaffield, RN Reinstatement Applicant 0001-21010**
Ms. Swaffield appeared, represented by her attorney, Dan Frith.

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

Gayle Miller, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:52 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Swaffield. Additionally, Ms. Garcia moved that Ms. Mitchell-Lively, Dr. Elliott, 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 11:06 A.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. Lindsay 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: Ms. Gerardo moved that the Board of Nursing reinstate the professional nursing license of Gina Swaffield, indefinitely suspend the license, but stay the suspension contingent upon her continued compliance with the Florida IPN 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: **Shri Gandhi, RMA 0031-001997**

Mr. Gandhi did not appear, however the Board considered a consent order in the matter regarding Mr. Gandhi.

CLOSED MEETING: Ms. Gerardo that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:21 A.M., for the purpose of deliberation to consider the consent order in the matter of Shri Gandhi. Additionally, Ms. Gerardo moved that Ms. Mitchell-Lively, Dr. Elliott, 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 11:37 A.M.

Ms. Gerardo 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.

ACTION: Ms. Minton moved that the Board of Nursing accept the consent order to issue a reprimand to Shri Gandhi. The motion was seconded and carried. Ms. Gerardo, Ms. Minton, Dr. McDonough, and Mr. Traynham were in favor of the motion. Ms. Garcia and Ms. Lindsay opposed the motion.

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

RECONVENTION: The Board reconvened at 1:01 P.M.

FORMAL HEARINGS: **Denise C. Forbes, CNA 1401-009596; RMA 0031-000884**
Ms. Forbes did not appear.

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

Sherry Foster, Senior Investigator, Department of Health Professions; and Virginia Miskin, LPN, Parkside Assisted Living were present and testified.

CLOSED MEETING: Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:38 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Forbes. Additionally, Ms. Garcia moved that Ms. Mitchell-Lively, Dr. Elliott, 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 1:52 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.

Dr. McDonough 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:

Ms. Lindsay moved that the Board of Nursing issue a reprimand to Denise Forbes as a registered medication aide and to dismiss the case the case against Ms. Forbes as a certified nurse aide due to a lack of clear and convincing evidence. 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.

Dr. McDonough left the meeting.

FORMAL HEARINGS:

Lillie White, LPN Multistate Privilege (SC license 18263)

Ms. White did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane-Snead & Associates, recorded the proceedings.

Debra Hay-Pierce, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:11 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. White. Additionally, Ms. Garcia moved that Ms. Mitchell-Lively, Dr. Elliott, 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 2:17 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. The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing indefinitely suspend the multistate privilege of Lillie White to practice in Virginia 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 2:20 P.M.

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