Final - Approved

VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
November 19, 2015

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on November 19, 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
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
Kelly McDonough, DNP, RN
Trula Minton, MS. RN

STAFF PRESENT: Brenda Krohn, RN, MS; Deputy Executive Director
Gloria D. Mitchell-Lively, RN, MSN, MBA; Deputy Executive Director (joined later)
Jodi P. Power, RN, JD; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel
Nursing students from Bon Secours Memorial College; South University; and Eastern Virginia Career College

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

FORMAL HEARINGS: **Kelly M. Conn, RN 0001-256220**
Ms. Conn did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Ann Hardy, 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 9:24 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Conn. Additionally, Ms. Hershkowitz moved that Ms. Krohn, 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 9:30 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. Joseph. The motion was seconded and carried unanimously.

ACTION: Dr. McDonough moved that the Board of Nursing indefinitely suspend the registered nursing license of Kelly Conn for a period of not less two years and until such time as she can appear before the Board and demonstrate 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: **Amanda Gibson, LPN 0002-080380**
Ms. Gibson 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.

Denise Sexton, Senior Investigator, Department of Health Professions and Linda Dedo, RN, Director of Nursing, August Nursing and Rehabilitation 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 9:56 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gibson. Additionally, Ms. Hershkowitz moved that Ms. Krohn, 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 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.

Ms. Gerardo 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. Minton moved that the Board of Nursing indefinitely suspend the right to renew the practical nursing license of Amanda Gibson 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.

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FORMAL HEARINGS: **Lasone K. Cannon, LPN 0002-088260**
Ms. Cannon appeared, represented by Romeo Lumaban, attorney.

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.

Wendy Morris, Senior Investigator, Department of Health Professions and Daynelle Dedmond, MD, Lead Physician at Bon Secours Gynecologic Oncology Specialists 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 11:33 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Cannon. Additionally, Ms. Hershkowitz moved that Ms. Krohn, 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 11:54 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. Gerardo 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: Dr. McDonough moved that the Board of Nursing reprimand Lasone Cannon and require Ms. Cannon to complete three National Council of State Boards of Nursing online courses "Professional Accountability and Legal Liability for Nurses", "Ethics of Nursing Practice" and "Virginia Nurse Practice Act" within 90 days of entry of the order. The motion was seconded and carried unanimously.

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RECESS: The Board recessed at 11:55 A.M.

RECONVENTION: The Board reconvened at 12:05 P.M.

Ms. Mitchell-Lively joined the meeting. Ms. Krohn left the meeting.

FORMAL HEARINGS: **Andrea Harris, RN 0001-201294**
Ms. Harris 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.

Lisa Oliphant, Senior Investigator, Department of Health Professions and Mary Wiltshire-Fields, 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 12:17 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Harris. Additionally, Ms. Hershkowitz moved that Ms. Mitchell-Lively, 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 12:21 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. Gerardo 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. Minton moved that the Board of Nursing reprimand Andrea Harris and continue her registered nursing license on indefinite suspension for a period of not less than two years and until such time as she can appear before the Board and demonstrate that she is safe and competent to practice. The motion was seconded and carried unanimously.

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RECESS: The Board recessed at 12:23 P.M.

RECONVENTION: The Board reconvened at 1:05 P.M.

FORMAL HEARINGS: **Pamela H. Allison, LPN 0002-056982**
Ms. Allison appeared.

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.

Chris Bowers, Intake Coordinator, Health Practitioners Monitoring Program 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 2:22 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Allison. Additionally, Ms. Holmes moved that Ms. Mitchell-Lively, 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 2:36 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. 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. McDonough moved that the Board of Nursing reprimand Pamela Allison and indefinitely suspend the right to renew her license to practice as a practical nurse for a period of not less than two years and until such time as she can appear before the Board and demonstrate 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: **Willie A. Brown, CNA Reinstatement Applicant 1401-013589**
Mr. Brown 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.

Kevin Almeida, Senior Investigator, Department of Health Professions 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 3:13 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Brown. Additionally, Ms. Holmes moved that Ms. Mitchell-Lively, 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 3:30 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. Minton 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. Gerardo moved that the Board of Nursing deny the application to reinstate the nurse aide certificate of Willie Brown and to revoke his nurse aide certificate. 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 3:32 P.M.

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Jodi P. Power, RN, JD
Deputy Executive Director