

**VIRGINIA BOARD OF NURSING
MINUTES
January 27, 2016**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on January 27, 2016 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President

BOARD MEMBERS PRESENT:

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
Jeanne Holmes, Citizen Member; Secretary
Guia Caliwagan, RN, MAN
Joana Garcia, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Louise Hershkowitz, CRNA, MSHA
Kelly McDonough, DNP, RN
Trula Minton, MS, RN
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP-PC

BOARD MEMBERS ABSENT:

William Traynham, LPN, CSAC; Vice President

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Gloria D. Mitchell-Lively, RN, BSN, MBA; Deputy Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Paula B. Saxby, RN, PhD; Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Elaine Yeatts, Policy Analyst; Department of Health Professions

ESTABLISHMENT OF A QUORUM:

With 12 members present, a quorum was established.

ANNOUNCEMENTS:

- Ms. Douglas announced elections for the office of President, Vice-President and Secretary will take place at the March 2016 meeting.

UPCOMING MEETINGS

- Ms. Douglas noted the Committee of the Joint Board of Nursing and Medicine meeting scheduled for February 10, 2016 has been cancelled.

- Ms. Douglas stated an email will be sent to Board Members regarding the NCSBN Midyear meeting. Board members should respond if they are interested in attending the meeting.

LEGISLATION/REGULATION:

Petition for Rulemaking 18VAC90-20-200 Licensure by Endorsement

Ms. Yeatts reviewed the information submitted by an individual to amend the regulations regarding licensure by endorsement for registered nurses. After a lengthy discussion, Ms. Phelps moved that the Board deny the petition based on an exception to passage of the NCLEX would deviate from the Board's licensing requirements and would set precedence. The motion was seconded and carried. Ms. Phelps, Dr. Poston, Dr. McDonough, Mr. Monson, Ms. Minton, Ms. Hershkowitz, Ms. Gilliam, Ms. Gerardo, Ms. Caliwagan and Dr. Hahn were in favor of the motion. Ms. Holmes and Ms. Garcia opposed the motion.

Ms. Yeatts left the meeting.

EDUCATION:

National Nurse Aide Assessment Program (NNAAP) Exam Testing Vendor:

Dr. Saxby provided background information regarding the NNAAP exam testing vendor, which is a subcontractor of Pearson VUE. Due to concerns from nurse aide candidates, evaluators and nurse aide program providers over the past two years, the request to change from NACES to American Red Cross is being brought before the Board for consideration. After discussion, Ms. Hershkowitz moved that the Board request a change to Pearson VUE in subcontractors from NACES to American Red Cross with an implementation date to be determined by Pearson VUE, the Virginia Board of Nursing and the American Red Cross. The motion was seconded and carried unanimously.

Dr. Saxby left the meeting.

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:37 A.M. for the purpose of deliberation to consider consent orders. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Power, Ms. Mitchell-Lively, 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 9:39 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.

Terry D. Vega, RN 0001-167924

Ms. Hershkowitz moved to accept the consent order to reprimand Terry Vega and to accept the voluntary surrender for indefinite suspension of Ms. Vega's license to practice as a registered nurse in Virginia. The motion was seconded and carried unanimously.

Delores Soyars, RN 0001-101728

Ms. Hershkowitz moved to accept the consent order to reprimand Delores Soyars and to accept the voluntary surrender for indefinite suspension of Ms Soyars' license to practice as a registered nurse in Virginia. The motion was seconded and carried unanimously.

Angela Gilbert, LPN 0002-083392

Ms. Hershkowitz moved to accept the consent order to reprimand Angela Gilbert and to accept the voluntary surrender for indefinite suspension of Ms. Gilbert's license to practice as a practical nurse in Virginia. The motion was seconded and carried unanimously.

Karen E. Harvey, RN 0001-194535

Ms. Hershkowitz moved to accept the consent order to accept the voluntary surrender for indefinite suspension of Karen Harvey's right to renew her license to practice as a registered nurse in Virginia. The motion was seconded and carried unanimously.

Kimberly Jefferson, LPN 0002-028357

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the practical nursing license of Kimberly Johnson until such time as she can appear before the Board and demonstrate she is safe and competent to practice. The motion was seconded and carried unanimously.

Christine W. Johnson, RN 0001-180292

Ms. Hershkowitz moved to accept the consent order to reprimand Christine Johnson and to accept the voluntary surrender for indefinite suspension of Ms. Johnson's license to practice as a registered nurse in Virginia. The motion was seconded and carried unanimously.

Melissa Clem, RN 0001-210172

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the license of Melissa Clem to practice as a registered nurse in Virginia, but stay the suspension contingent upon proof of Ms. Clem's re-entry into the Health Practitioners Monitoring Program and remaining in compliance with the Program and to reprimand Ms. Clem. The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 9:41 A.M.

Jeanne E. Holmes, Citizen Member
Secretary

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.

Draft - Unapproved

**VIRGINIA BOARD OF NURSING
MINUTES
January 27, 2016
Panel A**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:00 A.M. on January 27, 2016 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
Joana Garcia, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Jeanne Holmes, Citizen Member

STAFF PRESENT:

Jay P. Douglas, RN, MSM, 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:

Lisa Gordon, CNA 1401-165223
Ms. Gordon appeared.

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 10:06 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gordon. 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 10:11 A.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. Holmes moved that the Board of Nursing reject the recommended decision of the agency subordinate and refer the matter regarding Lisa Gordon to the Board for a formal hearing. The motion was seconded and carried unanimously.

Vernita Lewis, CNA 1401-004039; RMA 0031-003047

Ms. Lewis appeared.

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 10:17 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lewis. 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 10:19 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. Caliwagan moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certification and medication aid registration of Vernita Lewis and that a finding of neglect based on a single incident be entered against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Ashley Coy, CNA 1401-151517

Ms. Coy appeared.

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 10:24 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Coy. 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 10:25 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. Gerardo moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Ashley Coy. 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 10:28 A.M., for the purpose of deliberation to reach a decision in the matter 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 10:40 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.

Ashley L. Barbeau, LPN 0002-088558

Ms. Barbeau did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against the practical nursing license of Ashely Barbeau contingent upon her entry into the Health Practitioners Monitoring Program within 60 days of entry of the Board's order and her continued compliance with the Program. The motion was seconded and carried unanimously.

Sara Hess, RN 0001-201578

Ms. Hess did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Sara Hess and to indefinitely suspend the right to renew her license to practice as a registered 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.

Shanteequa Jones, RMA 0031-008337

Ms. Jones did not appear.

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

Brandon Spape, CNA 1401-149060

Mr. Spape 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 Brandon Spape 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.

Rebecca D. Beisel, RN 0001-141759

Ms. Beisel did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of Rebecca Beisel's license to practice as a registered nurse 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.

Joseph K. Walker, LPN 0002-083784

Mr. Walker did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Joseph Walker for a period of not less than one year 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.

Stephanie S. Grant, LPN 0002-051441

Ms. Grant did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Stephanie Grant and to indefinitely suspend the practical nursing license of Ms. Grant 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.

Lashauna Barnes, CNA 1401-155646

Ms. Barnes did not appear.

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

Kyndal Butler, CNA 1401-170849

Ms. Butler 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 Kyndal Butler 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.

Nichele Carpenter, CNA 1401-103317

Ms. Carpenter did not appear.

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

Ruby Tate, CNA 1401-131228; RMA 0031-004355

Ms. Tate did not appear.

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

Hannah Topping, CNA 1401-163263

Ms. Topping did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the right of Hannah Topping to renew her nurse aide certificate and to enter a finding of abuse against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Christina Fortney, CNA 1401-161357

Ms. Fortney did not appear.

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

Jennifer L. Nelms, CNA 1401-069707

Ms. Nelms 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 Jennifer Nelms 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.

Venlinza Osborne, CNA 1401-120635

Ms. Osborne 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 Venlinza Osborne and to enter a finding of abuse against her in the Virginia Nurse Aide Registry. 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 to reprimand Derek Robinson and to revoke the nurse aide certificate of Mr. Robinson. The motion was seconded and carried unanimously.

Connie Satchell Williams, CNA 1401-004440

Ms. Williams 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 Connie Williams and to enter a finding of misappropriation of patient property against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Glenn R. Harris, RN 0001-137735

Mr. Harris did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Glenn Harris and require him to complete the National Council of State Boards of Nursing online courses “Documentation: A Critical Aspect of Client Care” and “Professional Accountability and Legal Liability for Nurses” within 60 days of entry of the order. The motion was seconded and carried unanimously.

Tara Dolan, RN 0001-236827

Ms. Dolan did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Tara Dolan and to indefinitely suspend her license to practice as a registered nurse, but stay the suspension contingent upon Ms. Dolan’s re-entry into the Health Practitioners Monitoring Program and her continue compliance thereafter. The motion was seconded and carried unanimously.

Frances L. Cox, RN 0001-119799

Ms. Cox 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 Frances Cox to practice as a registered 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.

Kimberly Shroades, RN 0001-178896

Ms. Shroades did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to place Kimberly Shroades on probation for a period of not less than one year of actual nursing practice with terms and conditions. The motion was seconded and carried unanimously.

ADJOURNMENT: The Board adjourned at 10:40 A.M.

Brenda Krohn, RN, MS
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 27, 2016
Panel -A**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:53 A.M. on January 27, 2016 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
Joana Garcia, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Jeanne Holmes, Citizen Member
Dawn Hogue, CMT Advisory Board Member

STAFF PRESENT:

Jay P. Douglas, RN, MSM, 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 seven members of the Board present, a panel was established

FORMAL HEARINGS:

Ju Liu, CMT Reinstatement Applicant 0019-009708

Ms. Liu appeared, accompanied by Chuan Qin, interpreter.

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

Gayle Miller, 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 12:14 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Liu.

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 12:34 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. Caliwagan 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. Gerardo moved that the Board of Nursing deny the application for reinstatement of Ju Liu and continue her massage therapy certification on indefinite suspension for a period of not less than two years. 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. Hogue left the meeting as the massage therapy hearings were concluded.

FORMAL HEARINGS: **Angela D. Tinkham, RN Multistate Privilege (NC License 247444)**
Ms. Tinkham did not appear.

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

Kim Martin, 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 1:19 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Tinkham. 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 1:24 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. Caliwagan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Tatum. The motion was seconded and carried unanimously.

ACTION: Ms. Gerardo moved that the Board of Nursing revoke the multistate privilege of Angela Tinkham to practice as a registered nurse 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 1:25 P.M.

RECONVENTION: The Board reconvened at 2:00 P.M.

FORMAL HEARINGS: **Katherine Maxwell, RN 0001-129473**
Ms. Maxwell did not appear.

Cynthia Gaines, 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 Pultz, Senior Investigator, Department of Health Professions; and Linda Dedo, RN, former Director of Clinical Services at Augusta Nursing and Rehabilitation Center were present and testified.

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Maxwell. Additionally, Ms. Gerardo 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 2:30 P.M.

Ms. Gilliam 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. Garcia 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. Gerardo moved that the Board of Nursing indefinitely suspend the right to renew the license of Katherine Maxwell to practice as a registered nurse 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:

Kelly E. Cramer, RN 0001-120556

Ms. Cramer did not appear.

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

Kelli Moss, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:44 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Cramer. Additionally, Ms. Gerardo 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 2:50 P.M.

Ms. Gilliam 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. Garcia moved that the Board of Nursing accept the findings of fact and conclusions of law as present by Ms. Gaines.

ACTION:

Ms. Gerardo moved that the Board of Nursing indefinitely suspend the license of Kelly Cramer to practice as a registered nurse 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:

Ebony Rahman, CNA 1401-138601

Ms. Rahman appeared.

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.

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

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:44 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Rahman. Additionally, Ms. Gerardo 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 3:50 P.M.

Ms. Gilliam 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. Caliwagan moved that the Board of Nursing dismiss the case in the matter of Ebony Rahman 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.

ADJOURNMENT: The Board adjourned at 3:55 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
MINUTES
January 27, 2016
Panel – B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:57 A.M. on January 27, 2016 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Trula Minton, MS, RN; Chair
Louise Hershkowitz, CRNA, MSHA
Kelly McDonough, DNP, RN
Mark Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP

STAFF PRESENT:

Jodi P. Power, RN, JD; Deputy Executive Director
Gloria D. Mitchell-Lively, RN, MSN, MBA; Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT:

James Rutkowski, 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:

Douglas Karle, LPN 0002-089705

Mr. Karle appeared.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:04 A.M., for the purpose of consideration of agency subordinate recommendation. Additionally, Dr. McDonough moved that Ms. Power, Ms. Mitchell-Lively, 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 10:06 A.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.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Douglas Karle, but stay the suspension contingent upon his entry into the Health Practitioners Monitoring Program and upon his continued compliance with the Program. The motion was seconded and carried unanimously.

Katrina P. Jones, LPN 0002-086989

Ms. Jones appeared.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:09 A.M., for the purpose of consideration of agency subordinate recommendation. Additionally, Dr. McDonough moved that Ms. Power, Ms. Mitchell-Lively, 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 10:11 A.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.

Ms. Phelps moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Katrina Jones and to indefinitely suspend her practical nursing license until she provides the Board with evidence that she has completed National Council of State Boards of Nursing online courses “Documentation: A Critical Aspect of Client Care” and “Disciplinary Actions: What Every Nurse Should Know”. The motion was seconded and carried unanimously.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:13 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Dr. McDonough moved that Ms. Power, Ms. Mitchell-Lively, 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 10:51 A.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.

Kathryn Rind, RN 0001-204664

Ms. Rind did not appear.

Mr. Monson moved that the Board of Nursing modify the recommended decision of the agency subordinate to reprimand Kathryn Rind and to indefinitely suspend her registered nursing license, but stay the suspension contingent upon her entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Program. The motion was seconded and carried unanimously.

Melissa Everett, RN 0001-186521

Ms. Everett did not appear.

Ms. Phelps moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Melissa Everett and to place her on probation for a period of one year of actual nursing practice with terms and conditions.. The motion was seconded and carried unanimously.

Kisha S. Anderson, CNA 1401-118880

Ms. Anderson did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Kisha Anderson. The motion was seconded and carried unanimously.

Kelly Vargas, RN 0001-248732

Ms. Vargas did not appear.

Dr. Poston moved that the Board of Nursing modify the recommended decision of the agency subordinate to reprimand Kelly Vargas and require Ms. Vargas to complete the National Council of State Boards of Nursing online course “Ethics of Nursing Practice” within 60 days of entry of the order. The motion was seconded and carried unanimously.

Montese Y. Winston, CNA 1401-079934

Ms. Winston did not appear.

Dr. Poston moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Montese Winston, but stay the suspension contingent upon her entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Program. The motion was seconded and carried unanimously.

Regina D. Johnson, RN 0001-204959

Ms. Johnson did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Regina Johnson to practice as a registered nurse 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.

Jasmine V. Johnson, LPN 0002-083177

Ms. Johnson did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Jasmine Johnson to practice as a practical nurse 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.

Yuan Cooper, RN 0001-248167

Ms. Cooper did not appear.

Ms. Hershkowitz moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against the license of Yuan Cooper contingent upon her entry into the Health Practitioners Monitoring Program within 60 days of entry of the Board and remaining in compliance thereafter. The motion was seconded and carried. Ms. Hershkowitz, Dr. McDonough, Mr. Monson, Ms. Phelps and Dr. Poston were in favor of the motion. Ms. Minton abstained.

Tina M. Alls, CNA 1401-168117

Ms. Alls did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Tina Alls and further, revoke the nurse aide certificate of Ms. Alls and that a finding of misappropriation be entered against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Karla Y. Henry, LPN 0002-085721

Ms. Henry did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Karla Henry. The motion was seconded and carried unanimously.

Tara A. Nesbitt, RMA 0031-003745

Ms. Nesbitt did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Tara Nesbitt. The motion was seconded and carried unanimously.

Jason R. Sumner, RN 0001-212010

Mr. Sumner did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Jason Sumner and to indefinitely suspend the right to renew the registered nurse license of Mr. Sumner 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.

Kathleen Iliff-Darnell, RN 0001-202136

Ms. Iliff-Darnell did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Kathleen Iliff-Darnell. The motion was seconded and carried unanimously.

Kelly Matthews, RN 0001-229928

Ms. Matthews did not appear.

Mr. Monson 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 Matthews to practice as a registered nurse 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.

Kelly Supplee, RN 0001-175854

Ms. Supplee did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Kelly Supplee and to indefinitely suspend the right to renew her license to practice as a registered nurse for 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.

Margaret Kash, LPN 0002-053320

Ms. Kash did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Margaret Kash 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.

Amanda Brantley, LPN Multistate Privilege (SC License 39649)

Ms. Brantley did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the multistate privilege of Amanda Brantley to practice as a practical nurse 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.

Melissa Evick, RN 0001-153367

Ms. Evick did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the registered nursing license of Melissa Evick 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.

Holly D. Hicks, LPN 0002-073111

Ms. Hicks did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Holly Hicks and to indefinitely suspend the practical nursing license of Ms. Hicks, but stay the suspension contingent upon her re-entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Program.. The motion was seconded and carried unanimously.

Selina R. Payne, CNA 1401-136588

Ms. Payne did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Holly Hicks. The motion was seconded and carried unanimously.

Paris K. Pugh, CNA 1401-120075

Ms. Pugh did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Paris Pugh and to indefinitely suspend the nurse aide certificate of Ms Pugh for 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.

Jessica D. Prioleau, LPN 0002-071688

Ms. Prioleau did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Jessica Prioleau and to indefinitely suspend the practical nursing license of Ms Prioleau 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.

Erica R. Rowell, CNA 1401-162915

Ms. Rowell did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the nurse aide certificate of Erica Rowell 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.

Juanita C. Wilkerson, CNA 1401-115675

Ms. Wilkerson did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Juanita Wilkerson 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.

Elaine Hughes, RN 0001-226603

Ms. Hughes did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Elaine Hughes. The motion was seconded and carried unanimously.

Myka Rudd, RN 0001-251695

Ms. Rudd did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against the license of Myka Rudd contingent upon her entry into the Health Practitioners Monitoring Program or an equivalent program in the state of Georgia within 60 days of entry of the Board's order and upon her continued compliance with said program. The motion was seconded and carried unanimously.

Janae A. Harbor, LPN 0002-081469

Ms. Harbor did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Janae Harbor and to indefinitely suspend her license to practice as a practical nurse until such time as she pays the previously ordered monetary penalty in full. The motion was seconded and carried unanimously.

Christy R. Smith, LPN Multistate Privilege (NC License 65319)

Ms. Smith did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Christy Smith and require she

pay a monetary penalty of \$200 within 90 days of entry of the Board's order. The motion was seconded and carried unanimously.

Cynthia McCaffrey, RN 0001-107629

Ms. McCaffrey did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the license of Cynthia McCaffrey to practice as a registered nurse for not less than two years and until such time as she is able to appear before the Board and prove she is safe and competent to practice. The motion was seconded and carried unanimously.

Joan Birch, LPN 0002-078845

Ms. Birch did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Joan Birch and require that she provide evidence of completion of the National Council of State Boards of Nursing online course "Professional Accountability and Legal Liability for Nurses" within 60 days of entry of the Board's order. The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at 10: 51 A.M.

Jodi P. Power, RN, JD
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 27, 2016
Panel – B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:00 A.M. on January 27, 2016 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Trula Minton, MS, RN; Chair
Louise Hershkowitz, CRNA, MSHA
Kelly McDonough, DNP, RN
Mark Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP

STAFF PRESENT:

Jodi P. Power, RN, JD; Deputy Executive Director
Gloria D. Mitchell-Lively, RN, MSN, MBA; Deputy Executive Director
Jane Elliott, RN, PhD; Discipline Staff (joined later)
Amy Davis, Executive Assistant

OTHERS PRESENT:

James Rutkowski, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A QUORUM:

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

FORMAL HEARINGS:

Lionelle Trofort, RN Reinstatement Applicant 0001-196367
Ms. Trofort appeared.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Kim Moats, court reporter with Crane-Snead & Associates, recorded the proceedings.

Joshua Boggan, Case Intake Analyst and former Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:28 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Trofort. Additionally, Dr. McDonough moved that Ms. Power, Ms. Mitchell-Lively, 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 12:35 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. Poston moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones. The motion was seconded and carried unanimously.

ACTION: Ms. Hershkowitz moved that the Board of Nursing deny the reinstatement of Lionelle Trofort's registered nursing license and continue her 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.

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 12:40 P.M.

RECONVENTION: The Board reconvened at 1:15 P.M.

Dr. Elliott joined the meeting.

FORMAL HEARINGS: **Medical Solutions Academy Practical Nursing Education Program Applicant**
Lakesha Reed, Owner; and Mary Williamson, Program Director appeared.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Kim Moats, court reporter with Crane-Snead & Associates, recorded the proceedings.

Lakesha Reed, RN, MSN, owner of Medical Solutions Academy; Mary Williamson, RN, MSN, Program Director and Instructor, Medical Solutions Academy; and Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant, Virginia Board of Nursing; were present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:28 P.M., for the purpose of deliberation to reach a decision in the matter of Medical Solutions Academy Practical Nursing Education Program. Additionally, Dr. McDonough moved that Ms. Power, Ms. Mitchell-Lively, Dr. Elliott, 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 4:05 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.

Ms. Hershkowitz 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: Dr. Poston moved that the Board of Nursing withdraw the conditional approval granted on July 15, 2014 and deny the application for initial approval of Medical Solutions Academy to operate a practical nursing education program 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 4:10 P.M.

RECONVENTION: The Board reconvened at 4:20 P.M.

FORMAL HEARINGS: **Southwest Virginia Community College Practical Nursing Education Program**
Ms. Beverly Lester, Program Director appeared, represented by Noelle Shaw-Bell, Assistant Attorney General.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Kim Moats, court reporter with Crane-Snead & Associates, recorded the proceedings.

Tonya James, Compliance Case Manager, Virginia Board of Nursing; Cathy Smith-Cox, Dean, Southwest Virginia Community College; Beverly Lester, Program Director, Southwest Virginia Community College; Dr. Barbara Fuller, Vice President, Academic and Student Services, Southwest Virginia Community College; were present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:25 P.M., for the purpose of deliberation to reach a decision in the matter of Southwest Virginia Community College Practical Nursing Education Program. Additionally, Dr. McDonough moved that Ms. Power, Ms. Mitchell-Lively, Dr. Elliott, 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 7:40 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. Poston 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:

Ms. Hershkowitz moved that the Board of Nursing grant Southwest Virginia Community College's petition for release from terms of its May 2012 Order of the Board and rescind the withdrawal of program approval and place the practical nursing education program on conditional approval with terms and conditions. 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 7:45 P.M.

Jodi Power, RN, JD
Deputy Executive Director