Final

VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 18, 2016

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on July 18, 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
Louise Hershkowitz, CRNA, MSHA
Trula Minton, MS, RN
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP-PC
Joseph Schibner, CMT – Joined late

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director – left at 11:45 A.M.
Brenda Krohn, RN, MS; Deputy Executive Director
Jodi Power, RN, JD; Deputy Executive Director – joined at 11:50 A.M.
Gloria Bradley, Temporary Executive Assistant
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

FORMAL HEARINGS: **Carole D. Pearson, LPN 0002-067894**
Ms. Pearson appeared.

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

Lane Raker, Senior Investigator, Department of Health Professions; Melinda Auston, LPN Autumn Care; Freda Ingram, RN Autumn Care were present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:43 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Pearson. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Krohn, Ms. Graham, Ms. Mitchell and Ms. Bradley 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 11:12 A.M.

Ms. Phelps 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 and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Minton moved that the Board of Nursing issue a reprimand and to continue Carole Pearson's professional nursing license on indefinite suspension, but stay the suspension contingent upon her continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 11:15 A.M.

RECONVENTION: The Board reconvened at 11: 30 A.M.

FORMAL HEARINGS: **Tabitha Jenkins, LPN 0002-086609**
Ms. Jenkins did not appear.

Carla Boyd, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

John Turner, Senior Investigator, Department of Health Professions and Dawn France, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:43 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jenkins. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Graham, Ms. Mitchell and Ms. Bradley 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 11:47 A.M.

Ms. Phelps 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. Boyd and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Hershkowitz moved that the Board of Nursing issue a reprimand and indefinitely suspend Ms. Jenkins' practical nurse license for not less than one (1) year. 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: **Steva Hairston, LPN 0002-068599**
Ms. Hairston appeared accompanied by her husband.

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

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

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* a. 12:48 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hairston. Additionally, Ms. Phelps moved that Ms. Power, Ms. Krohn, Ms. Bradley, Ms. Mitchell and Ms. Graham 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 1:10 P.M.

Ms. Phelps 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. Hershkowitz moved that the Board of Nursing issue a reprimand and deny the reinstatement of Steva Hairston's practical nurse license and continue indefinite suspension for a period of not less than three months. 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 1:15 P.M.

RECONVENTION: The Board reconvened at 1:45 P.M.

FORMAL HEARINGS: **Diane Olsen, RN 0001-208243**
Ms. Olsen appeared, represented by Margaret Hardy, Esquire

Steve Bulger, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Marcella Luna, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:07 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Olsen. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, Ms. Bradley, Ms. Mitchell and Ms. Graham 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 3:26 P.M.

Ms. Phelps 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. Poston moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bulger and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Hershkowitz moved that the Board of Nursing issue a reprimand and reinstate Ms. Olsen's license contingent upon completion of two (2) NCSBN courses 1) Disciplinary Actions: What Every Nurse Should Know and 2) Professional Accountability and Legal Liability for Nurses. 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: **Mac Campos, CMT 0019-011308**
Mr. Campos did not appear.

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

Karen Booke, Senior Investigator, Department of Health Professions and Detective Patricia Pena with the Arlington Police Department Special Victims Unit were present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:52 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Campos. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, Ms. Mitchell and Ms. Graham 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 3:57 P.M.

Ms. Phelps 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. Gaines and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Schibner moved that the Board of Nursing revoke the registration of Mac Campos. 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: **Ramatu Sesay, CNA 1401-157459**
Ms. Sesay did not appear.

Steve Bulger, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Anna Badgley, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:26 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sesay. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, Ms. Bradley, Ms. Mitchell and Ms. Graham 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. Phelps 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. Poston moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bulger and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Minton moved that the Board of Nursing deny Ms. Sesay's application for reinstatement as a certified nursing assistant and revoke Ms. Sesay's certificate with a finding of neglect. The motion was seconded and carried 5-1 (Caliwagan no).

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 4:45 P.M.

_____

Brenda Krohn, RN, MS
Deputy Executive Director