

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
September 22, 2016**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:10 A.M. on September 22, 2016 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS PRESENT:**  
Kelly S. McDonough, DNP, RN; Vice President  
Regina Gilliam, LPN  
Louise Hershkowitz, CRNA, MSHA  
Jeanne Holmes, Citizen Member  
Dustin Ross, DNP, MBA, RN  
William Traynham, LPN, CSAC

**STAFF PRESENT:** Jodi P. Power, JD, RN; Deputy Executive Director  
Brenda Krohn, RN, MS; Deputy Executive Director  
Huong Vu, Executive Assistant (left at 1:30)  
Darlene Graham, Senior Discipline Specialist (joined at 2:05)

**OTHERS PRESENT:** Charis Mitchell, Assistant Attorney General, Board Counsel  
Nursing Students from Riverside School of Professional Nursing  
Nursing Students from St. Mary’s School of Practical Nursing

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

**FORMAL HEARINGS:** **Virginia Breeden, RN 0001-180170**  
Ms. Breeden appeared and accompanied by Eileen M. Talamante, Esq., and Michael L. Goodman, Esq..

Stephen Bulger, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Mary F. Treta, court reporter with Crane-Snead & Associates, recorded the proceedings.

Marcella Luna, Senior Investigator with the Department of Health Professions, Avis Webster, CoOp Office Tech/Certified Peer Recovery Specialist at MPNN CSB, Rebecca Graser, Consumer Recovery Liason at MPNN CSB, E. Hope Utterback, Therapist at Middle Penninsula – Northern Neck CSB, and P. Jagan Reddy, MD, Psychiatrist were present and testified.

**CLOSED MEETING:** Ms. Gilliam moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(15) of the *Code of Virginia* at 9:50 A.M., for the purpose of consideration and discussion of medical/mental health records of Ms. Breeden that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Gilliam moved that Ms. Krohn, Ms. Power,

Ms. Vu, Ms. Mitchell, Mr. Bulger, Ms. Breeden, Ms. Talamante, Mr. Goodman, Ms. Utterback, Dr. Reddy, and Ms. Treta, Court Reporter, attend the closed meeting because their presence in the closed meeting is deemed. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:35 A.M.

CLOSED MEETING: Ms. Gilliam moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:04 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Breeden. Additionally, Ms. Gilliam moved that Ms. Krohn, Ms. Power, Ms. Vu 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 11:20 A.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.

Mr. Traynham 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. Holmes moved that the Board of Nursing to approve Ms. Breeden reinstatement application and Ms. Breeden may resume practice upon completion of refresher course. 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: **Ashley Sullivan, RN 0001-230085**  
Ms. Sullivan appeared.

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

Steve Keene, Senior Investigator, Department of Health Professions, and Hubert Griffith, Clinical Director of the Visiting Nurse Service of Fredericksburg were present and testified.

CLOSED MEETING: Ms. Gilliam moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:29 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sullivan. Additionally, Ms. Gilliam moved that Ms. Krohn, Ms. Power, Ms. Vu 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 12:46 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.

Mr. Traynham 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. Hershkowitz moved that the Board of Nursing to indefinitely suspend Ms. Sullivan's license to practice professional nursing and to stay the suspension contingent upon Ms. Sullivan entering and compliance with the Virginia Practitioners' Monitoring Program. The motion was seconded and carried unanimously.

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RECESS: The Board recessed at 12:50 PM

RECONVENTION: The Board reconvened at 12:55 PM

FORMAL HEARINGS: **Shakeyia Lyle, LPN 0002-082524**  
Ms. Lyle did not appear.

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

Melissa Archer, RN, DON at Wayland Nursing and Rehab Center was present and testified.

CLOSED MEETING: Ms. Gilliam 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. Lyle. Additionally, Ms.

Gilliam moved that Ms. Krohn, Ms. Power, Ms. Vu 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. 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.

Dr. Ross 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. Holmes moved that the Board of Nursing to indefinitely suspend Ms. Lyle's license to practice practical nursing for the 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.

RECESS: The Board recessed at 1:30 PM

RECONVENTION: The Board reconvened at 2:05 PM

FORMAL HEARINGS: **Douglas Karle, LPN 0002-089705**  
Mr. Karle appeared.

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

Christopher Moore, Senior Investigator with Department of Health Professions, and Rebecca Britt, Case Manager with Health Practitioners' Monitoring Program were present and testified.

CLOSED MEETING: Ms. Gilliam moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:41 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lyle. Additionally, Ms. Gilliam 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 2:55 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.

Dr. Ross 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. Gilliam moved that the Board of Nursing to reprimand and to continue on indefinitely suspend with suspension stayed contingent upon Mr. Karle re-entry into Health Practitioners' Monitoring Program and compliance with his Contract. 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: **Charles Brown, RN 0001-154220**  
Mr. Brown appeared.

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

Patricia Dewey, Senior Investigator with Department of Health Professions, and Christopher Bowers, Case Manager with Health Practitioners' Monitoring Program were present and testified.

CLOSED MEETING: Ms. Gilliam moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:12 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lyle. Additionally, Ms. Gilliam 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 4:52 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. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bower and amended by the Board. The motion was seconded and carried. Ms. McDonough, Ms. Gilliam, Ms. Hershkowitz, Ms. Homes, Mr. Traynham were in favor of the motion. Dr. Ross opposed the motion.

**ACTION:**

Ms. Hershkowitz moved that the Board of Nursing to reprimand and to continue on indefinitely suspend with suspension stayed contingent upon Mr. Brown compliance with Health Practitioners' Monitoring Program contract. Mr. Brown is required to complete two NCSBN courses, (1) Professional Accountability and Legal Liability for Nurses and (2) Righting a Wrong: Ethics and Professionalism in Nursing, within 60 days of entry of the Order. The motion was seconded and carried. Ms. McDonough, Ms. Gilliam, Ms. Hershkowitz, Ms. Homes, Mr. Traynham were in favor of the motion. Dr. Ross opposed the motion.

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

**FORMAL HEARINGS:**

**Charles Jackson, LPN 0002-082918**

Mr. Brown did not appear.

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

Ashley Hester, Senior Investigator with Department of Health Professions, and Max Matko, Special Agent with the Department of Correction were present and testified.

**CLOSED MEETING:**

Ms. Gilliam moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lyle. Additionally, Ms. Gilliam 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 5:35 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.

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

ACTION:

Dr. Ross moved that the Board of Nursing to revoke Mr. Jackson's license to practice practical nursing. 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 5:37 P.M.

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Jodi P. Power, RN, JD  
Deputy Executive Director