

**VIRGINIA BOARD OF NURSING
FORMAL HEARING
April 1, 2008**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on April 1, 2008 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

BOARD MEMBERS

PRESENT: Brenda Hale, R.N., Secretary
John M. Horn, L.P.N.
Patricia C. Lane, R.N., B.S.N.
Evelyn Lindsay, L.P.N.
Judith E. Piersall, R.N., B.S.N.
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline
Amy Davis, Administrative Assistant
Donna Lee, Administrative Assistant (joined later)

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General

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

FORMAL HEARING: **Theresa Buchanan, R.N. 0001-124274**
Ms. Buchanan appeared, represented by Margaret Hardy, Attorney.

Emily Field, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

Sherri Harrell, Clinical Secretary, Carilion New River Valley Medical Center testified by telephone. Marla Smith, R.N., Carilion New River Valley Medical Center; Kristie William, R.N. were present and testified.

RECESS: The Board recessed at 10:15 A.M.

RECONVENTION: The Board reconvened at 10:30 A.M.

Sandy Sayre, R.N., Carilion Roanoke Memorial Hospital; Tammy Carter, Unit Secretary, Carilion Roanoke Memorial Hospital; Tina Williamson, R.N., Carilion Roanoke Memorial Hospital; and James Wall, Senior Investigator, Department of Health Professions were present and testified.

RECESS: The Board recessed at 12:05 P.M.

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

Ms. Davis left the meeting and Ms. Lee joined the meeting.

Tracy Ziles, R.N., former co-worker at Carilion Roanoke Memorial Hospital; and JoAnne Newcombe, R.N., Nurse Manager at various nursing facilities were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(28) of the *Code of Virginia* at 3:46 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Buchanan. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Lee and Mr. Casway 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 3:55 P.M.

Ms. Lindsay 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. Piersall moved that the Board of Nursing to dismiss the case against Theresa Buchanan due to insufficient evidence of a violation of law or regulation governing nursing practice.

The motion was seconded and carried. Ms. Piersall, Ms. Ponn, Ms. Hale and Mr. Horn were in favor of the motion. Ms. Lane and Ms. Lindsay 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.

ADJOURNMENT: The Board adjourned at 3:56 P.M.

Brenda Hale, R.N
Secretary