

VIRGINIA BOARD OF NURSING
Formal Hearings
November 16, 2011
Panel – B

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:00 A.M. on November 16, 2011 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Joyce A. Hahn, PhD, APRN, NEA-BC; Vice President
Evelyn Lindsay, LPN
Jane R. Ingalls, RN, CNS, PhD
Trula Minton, MS, RN
Karen K. Schultz, PhD, MBA, Citizen Member
William Traynham, LPN
Michael Vines, CMT (joined later)

STAFF PRESENT:

Brenda Krohn, RN, MS; Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Krystal Blanton, Senior Discipline Specialist

OTHERS PRESENT:

Howard Casway, Senior Assistant Attorney General

**ESTABLISHMENT OF
A QUORUM:**

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

FORMAL HEARINGS:

Kim H. G. Wynn, RN Reinstatement Applicant 0001-141448

Ms. Wynn appeared, represented by attorney, Lois Manes and Peter Manes, assistant to Ms. Manes.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

David Pondolphino, RN and Cecile Custer, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:34 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Wynn. Additionally, Ms. Lindsay moved that Ms. Krohn, Ms. Mitchell, Ms. Blanton 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 12:05 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.

Mr. Traynham 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. Lindsay moved that the Board of Nursing reinstate the registered nurse license of Kim Wynn, with a valid in Virginia status and place on probation with terms for not less than one year of active nursing practice. Further, the Board ordered Ms. Wynn to complete two National Council of State Boards of Nursing online courses: “Documentation: A Critical Aspect of Client Care” and “Medication Errors: Detection and Prevention”.

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:

Katy Humphrey, CNA 1401-129508

Ms. Humphrey did not appear.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Sandra Barton, Senior Investigator, Department of Health Professions was present and testified. Janie Roberts, RN testified by telephone.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:42 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Humphrey. Additionally, Ms. Lindsay moved that Ms. Krohn, Ms. Mitchell, Ms. Blanton 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 12:46 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.

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

ACTION: Dr. Schultz moved that the Board of Nursing revoke the right to renew the license of Katy Humphrey and enter a finding of abuse against her in the Nurse Aide Registry. 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 12:50 P.M.

RECONVENTION: The Board reconvened at 1:34 P.M.

FORMAL HEARINGS: **Diana Minnix, RN 0001-183492**
Ms. Minnix appeared.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Tonya James, Compliance Case Manger, Board of Nursing was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 2:30 P.M., for the purpose of consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Diana Minnix. Additionally, Ms. Lindsay moved that Ms. Krohn, Ms. Blanton 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 2:47 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.

RECESS: The Board recessed at 2:47 P.M.

RECONVENTION: The Board reconvened at 2:54 P.M.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:46 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Minnix. Additionally, Ms.

Lindsay moved that Ms. Krohn, Ms. Blanton 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 4:28 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.

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

ACTION:

Dr. Schultz moved that the Board of Nursing issue an order of reprimand to Diana Minnix and continue on indefinite probation with terms for not less than 18 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.

Mr. Vines joined the meeting.

FORMAL HEARINGS:

Donna B. Sayegh, RN Reinstatement Applicant 0001-062433; CMT Reinstatement Applicant 0019-001183

Ms. Sayegh appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:24 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sayegh. Additionally, Ms. Lindsay moved that Ms. Krohn, Ms. Mitchell, Ms. Blanton 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 5:35 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.

Mr. Traynham 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:

Dr. Schultz moved that the Board of Nursing deny the applications for reinstatement of the registered nurse license and massage therapy certification of Donna Sayegh. 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.

Mr. Vines left the meeting.

FORMAL HEARINGS:

Carline Paul, CNA 1401-116222

Ms. Paul did not appear.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

James Wall, Senior Investigator, Department of Health Professions; Michelle Taite, General Manager, Home Instead Senior Care; Sandra Owen, Director of Recruitment and Retention, Home Instead Senior Care were present and testified. Jeff Mars, CNA testified by telephone.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:52 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Paul. Additionally, Ms. Lindsay moved that Ms. Krohn, Ms. Mitchell, Ms. Blanton 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 6:56 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.

Dr. Ingalls moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Exterovich and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Minton moved that the Board of Nursing revoke the nurse aide certificate of Carline Paul and enter a finding of abuse against her in the Nurse Aide Registry. 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 7:00 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director