

**VIRGINIA BOARD OF NURSING  
MINUTES  
May 21, 2008**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:10 A.M. on May 21, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia

**BOARD MEMBERS  
PRESENT:**

Lynne M. Cooper, Citizen Member, President  
Florence Jones-Clarke, R.N., M.S., Vice President  
Brenda L. Hale, R.N., Secretary  
Linda D. Gross, Citizen Member  
Woody B. Hanes, R.N., M.S.N., F.N.P.  
John M. Horn, L.P.N.  
Patricia C. Lane, R.N., B.S.N.  
Evelyn Lindsay, L.P.N.  
Lawrence L. Logan, Citizen Member  
Judith E. Piersall, R.N., B.S.N.  
G. Maxine Ponn, L.P.N.  
Patricia M. Selig, R.N., F.N.P., Ph.D.

**BOARD MEMBERS ABSENT:**

Peregrin Francisco, R.N., M.S.A.

**STAFF PRESENT:**

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline  
Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide Program  
Manager  
Linda Kleiner, R.N., Discipline Case Manager  
Ann Tiller, Compliance  
Amy Davis, Administrative Assistant

**STAFF ABSENT:**

Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry  
Manager

**OTHERS PRESENT:**

Howard M. Casway, Senior Assistant Attorney General  
Anne Wendt, Director, NCLEX Examinations, National Council of State Boards  
of Nursing  
Maryann Alexander, Chief Officer, Nursing Regulation, National Council of State  
Boards of Nursing

**ESTABLISHMENT OF  
A QUORUM:**

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

**Ebenezer Petit-Ngoule, L.P.N. 0002-047793; R.N. Applicant**

Mr. Petit-Ngoule appeared, accompanied by Charles Smith, Esquire.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:17 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Mitchell, Ms. Kleiner, Ms. Krohn, Ms. Tiller, Ms. Davis 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 10:00 A.M.

Ms. Hale 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. Horn moved to accept and modify the recommended decision of the agency subordinate to issue a registered nurse license to Ebenezer Petit-Ngoule and place him on probation for two years practice either as a registered nurse or a practical nurse. Additionally, the licenses shall be marked “Valid in Virginia Only; Probation with Terms”.  
The motion was seconded and carried unanimously.

RECESS: The Board recessed at 10:05 A.M.

RECONVENTION: The Board reconvened at 10:16 A.M.

**Nadine Sykes, L.P.N. 0002-034265**

Ms. Sykes appeared, accompanied by W. Reilly Marchant, Esquire.

CLOSED MEETING: Ms. Hale 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 consideration of an agency subordinate recommendation. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Mitchell, Ms. Kleiner, Ms. Krohn, Ms. Tiller, Ms. Davis 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 10:55 A.M.

Ms. Hale 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. Hale moved to accept and modify the recommended decision of the agency subordinate to impose no sanction and require Nadine Sykes to complete the National Council of State Boards of Nursing course “Medication Errors: Detection and Prevention” within 60 days.

The motion was seconded and carried. Ms. Jones-Clarke, Ms. Hale, Ms. Gross, Ms. Lane, Ms. Lindsay, Mr. Logan and Ms. Ponn were in favor of the motion. Ms. Hanes, Dr. Selig, Ms. Cooper, Mr. Horn and Ms. Piersall opposed the motion.

**Rita Cyrus, C.N.A. 1401-022798; R.N. 0001-187391**

Ms. Cyrus appeared.

**CLOSED MEETING:**

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:15 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Mitchell, Ms. Kleiner, Ms. Krohn, Ms. Tiller, Ms. Davis 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 11:20 A.M.

Ms. Hale 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. Lane moved that the Board of Nursing accept the recommended decision of the agency subordinate that the right of Rita Cyrus to renew her certificate as a nurse aide be revoked with a finding of abuse and that Rita Cyrus, R.N. be placed on indefinite probation with terms.

The motion was seconded and carried unanimously.

**Tona Jones, R.N. 0001-175244**

Ms. Jones did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the license of Tona Jones be indefinitely suspended for not less than two years and until such time as she can appear before the Board and show that she is safe and competent to practice.

The motion was seconded and carried unanimously.

**Shannon Harrison, L.P.N. 0002-050003**

Ms. Harrison did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the license of Shannon Harrison be indefinitely suspended for a period of not less than two years and such time as she can appear before the Board and show that she is safe and competent to practice. The motion was seconded and carried unanimously.

**Joshua Birch, L.P.N. 0002-074384**

Mr. Birch did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the license of Joshua Birch be indefinitely suspended for not less than two years and until such time as he can appear before the Board and show that he is safe and competent to practice. The motion was seconded and carried unanimously.

**Roy Jenkins, R.N. 0001-065561**

Mr. Jenkins did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the license of Roy Jenkins to practice professional nursing be indefinitely suspended until such time as he can demonstrate that he is safe and competent to practice. The motion was seconded and carried unanimously.

**Jane Fleischer, R.N. 0001-161311**

Ms. Fleischer did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the professional nursing license of Jane Fleischer be indefinitely suspended for not less two years and until such time as she can come before the Board and prove that she is safe and competent to practice. The motion was seconded and carried unanimously.

**Jackie Davis, R.N. 0001-116003**

Ms. Davis did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the Board take no action against Jackie Davis contingent upon her compliance with her Health Practitioners Intervention Program Recovery Monitoring Contract. The motion was seconded and carried unanimously.

**Stephanie Small-Snider, R.N. 0001-122859**

Ms. Small-Snider did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the license of Stephanie Small-Snider to practice professional nursing in the Commonwealth of Virginia be suspended for a period of not less than two years and until such time as she can demonstrate to the Board that she is capable of resuming the safe and competent practice of nursing.

The motion was seconded and carried unanimously.

**Pamela Christian, L.P.N. 0002-039899**

Ms. Christian did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that Pamela Christian be reprimanded.

The motion was seconded and carried unanimously.

**Sheila S. Ryan, L.P.N. 0002-072060**

Ms. Ryan did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the license of Sheila Ryan be indefinitely suspended for a period of not less than two years and until such time as she can demonstrate that she is capable of resuming the safe and competent practice of nursing.

The motion was seconded and carried unanimously.

**Carolyn Hall, R.N. 0001-109272**

Ms. Hall did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the license of Carolyn Hall be indefinitely suspended for a period of not less than two years and until such time as she can demonstrate that she is capable of resuming the safe and competent practice of professional nursing.

The motion was seconded and carried unanimously.

**Felecia R. Scott, L.P.N. 0002-040183**

Ms. Scott did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the probation placed on Felecia Scott be terminated and that Ms. Scott be issued an unrestricted license to practice as a practical nurse in the Commonwealth of Virginia with all multi state privileges reinstated.

The motion was seconded and carried unanimously.

**Kathy B. Roberts, R.N. 0001-138531**

Ms. Roberts did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that Kathy Roberts be reprimanded and that she be required to complete the National Council of State Boards of Nursing course "Medication Errors: Detection and Prevention" and provide evidence of satisfactory completion of said course to the Board within sixty days of the date the Order is entered.

The motion was seconded and carried unanimously.

**Mary C. Mallinger, L.P.N. 0002-052681**

Ms. Mallinger did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of Mary Mallinger's license to practice nursing in the Commonwealth of Virginia until such time as she can demonstrate she is capable of resuming the safe and competent practice of professional nursing.  
The motion was seconded and carried unanimously.

**Gwendolyn D. Kenny, L.P.N. 0002-034556**

Ms. Kenny did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the license of Gwendolyn Kenny to practice as a practical nurse be revoked.  
The motion was seconded and carried unanimously.

**Leslie K. Machuzak, R.N. 0001-164964**

Ms. Machuzak did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the Board order Leslie Marchuzak to enter into and comply with the Health Practitioners Intervention Program within forty-five days of the entry of the Order.  
The motion was seconded and carried unanimously.

**Angela L. Crews, L.P.N. 0002-046844**

Ms. Crews did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the practical nursing license of Angela Crews be indefinitely suspended until Ms. Crews can demonstrate to the Board that she is capable of resuming the safe and competent practice of nursing.  
The motion was seconded and carried unanimously.

**Priscilla Briggs, L.P.N. 0002-024474**

Ms. Briggs did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that Priscilla Briggs be reprimanded.  
The motion was seconded and carried unanimously.

**Regina K. Bradley, L.P.N. 0002-074333**

Ms. Bradley did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action at this time contingent on Regina Bradley's continued compliance with the Health Practitioners Intervention Program.  
The motion was seconded and carried unanimously.

**Kelly L. Andrews, L.P.N. 0002-071338**

Ms. Andrews did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the license of Kelly Andrews be indefinitely suspended, with said suspension stayed upon proof of entry in to a recovery monitoring contract with the Health Practitioners Intervention Program and remaining in compliance with the terms of the contract.

The motion was seconded and carried unanimously.

**Laura Shea-Hackett, R.N. 0001-139131**

Ms. Shea-Hackett did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate that the right of Laura Shea-Hackett's to renew her license as a professional nurse be indefinitely suspended until such time as she can demonstrate she is capable of resuming the safe and competent practice of professional nursing.

The motion was seconded and carried unanimously.

RECESS:

The Board recessed at 11:30 A.M.

RECONVENTION:

The Board reconvened at 11:35 A.M.

Ms. Wendt left the meeting.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:38 A.M., for the purpose of consideration of an agency subordinate recommendations. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Mitchell, Ms. Kleiner, Ms. Krohn, Ms. Tiller, Ms. Davis, Ms. Alexander 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 12:14 P.M.

Ms. Hale 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.

**Stacy Branch, L.P.N. 0002-063474**

Ms. Branch did not appear.

Dr. Selig moved to accept the modified recommended decision of the agency subordinate to correct the date in recommended findings of fact #4 to October 7, 2003.

The motion was seconded and carried unanimously.

**Gloria Horn, R.N. 0001-138548**

Ms. Horn did not appear.

Dr. Selig moved to reject and modify the recommended decision of the agency subordinate to approve Gloria Horn's right to renew her professional nursing license and issue a reprimand.

The motion was seconded and carried. Ms. Jones-Clarke, Ms. Hale, Ms. Gross, Ms. Hanes, Mr. Horn, Ms. Lane, Ms. Lindsay, Mr. Logan, Ms. Piersall, Ms. Ponn and Dr. Selig were in favor of the motion. Ms. Cooper opposed the motion.

**Gary Myers, R.N. 0001-174465**

Mr. Myers did not appear.

Ms. Cooper moved to accept the modified recommended decision of the agency subordinate to issue a reprimand to Gary Myers and further to take no further action contingent upon his continued compliance with the Health Practitioners Intervention Program recovery monitoring contract.

The motion was seconded and carried. Ms. Cooper, Ms. Hale, Ms. Gross, Ms. Hanes, Mr. Horn, Ms. Lane, Ms. Lindsay, Mr. Logan, Ms. Piersall, Ms. Ponn and Dr. Selig were in favor of the motion. Ms. Jones-Clarke opposed the motion.

**Alexandra Tawell-Mitchell, R.N. 0001-203301**

Ms. Tawell-Mitchell did not appear.

Dr. Selig moved to reject the recommended decision of the agency subordinate and moved that the license of Alexandra Tawell-Mitchell be indefinitely suspended.

The motion was seconded and carried unanimously.

**Leigh McConaghy, R.N. 0001-077947**

Ms. McConaghy did not appear.

Ms. Lane moved to accept the modified recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Leigh McConaghy and stay said suspension contingent upon verification of re-entry into the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

**Gladys Pendleton, R.N. 0001-063153**

Ms. Pendleton did not appear.

Ms. Piersall moved to accept the recommended decision of the agency subordinate that Gladys Pendleton be ordered to pay a monetary penalty in the amount of two hundred dollars.

The motion was seconded and carried unanimously.

**Vivian Price, L.P.N. 0002-022163**

Ms. Price did not appear.

Ms. Lane moved to accept the modified recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of Vivian Price's practical nursing license.  
The motion was seconded and carried unanimously.

**Kacey L. Bray, L.P.N. 0002-070829**

Ms. Bray did not appear.

Ms. Lane moved to accept the recommended decision of the agency subordinate that Kacey Bray be reprimanded.  
The motion was seconded and carried unanimously.

**Michelle R. Gore, R.N. 0001-116513**

Ms. Gore did not appear.

Ms. Cooper moved to accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of Michelle Gore's license to practice nursing in the Commonwealth of Virginia until such time as she can demonstrate that she is capable of resuming the safe and competent practice of professional nursing.  
The motion was seconded and carried unanimously.

**Drema B. Handy, L.P.N. 0002-081417**

Ms. Handy did not appear.

Dr. Selig moved to reject the recommended decision of the agency subordinate and refer the matter of Drema Handy to a formal hearing.  
The motion was seconded and carried unanimously.

**Karen S. Spence, R.N. 0001-158603**

Ms. Spence did not appear.

Ms. Lane moved to reject the recommended decision of the agency subordinate and refer the matter of Karen Spence to a formal hearing.  
The motion was seconded and carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 12:18 P.M.

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Brenda Hale, R.N.  
Secretary

Panel A

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 1:30 P.M. on May 21, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**BOARD MEMBERS PRESENT:** Florence Jones-Clarke, R.N., M.S., Vice President  
Linda Gross, Citizen Member  
Patricia C. Lane, R.N., B.S.N.  
Evelyn Lindsay, L.P.N.  
Judith E. Piersall, R.N., B.S.N.  
Patricia M. Selig, R.N., F.N.P., Ph.D.

**STAFF PRESENT:** Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide Registry Manager  
Jane Elliott, R.N., Ph.D., Discipline Staff  
Amy Davis, Administrative Assistant

**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 HEARINGS SCHEDULED:** **Zainab Sesay, C.N.A. 1401-105680**  
Ms. Sesay appeared, represented by J.C. Cancelleri, Esquire.

Emily Field, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kurt D. Hruneni, court reporter, recorded the proceedings.

Sandra Calderon, C.N.A., Northern Virginia Training Center; Sheila Robinson Payne, Northern Virginia Training Center; were present and testified. Naima Fellers, Senior Investigator, Department of Health Professions and Margaret Bratton, Northern Virginia Training Center testified by telephone.

**RECESS:** The Board recessed at 3:25 P.M.

**RECONVENTION:** The Board reconvened at 3:35 P.M. and the proceeding continued with the testimony of Michelle Taylor, Northern Virginia Training Center.

**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 4:15 P.M., for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Zainab Sesay. Additionally, Ms. Lindsay moved that Ms. Krohn, Dr. Elliott, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the

closed meeting is deemed necessary and their presence will aid the presence in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:26 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 dismiss the case in the matter of Zainab Sesay due to a lack of sufficient evidence of abuse.

The motion was seconded and approved 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 HEARING:

**Diadra D. Outland, L.P.N. 0002-062245**

Ms. Outland appeared, accompanied by her mother, Ms. Newhart.

Marybeth Shelton, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Kurt D. Hruneni court reporter, recorded the proceedings.

Janice Fleming, Senior Investigator, Department of Health Professions; and Ms. Newhart 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 5:30 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Outland. Additionally, Ms. Lindsay moved that Ms. Krohn, Dr. Elliott, Ms. Davis 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 5:45 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. Selig moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Shelton and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing continue the practical nursing license of Diadra Outland on indefinite suspension, with said suspension stayed contingent upon proof of Ms. Outland's entry into a recovery monitoring contract with the Health Practitioners Intervention Program, and her remaining in compliance with the terms of the 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.

RECESS: The Board recessed at 5:50 P.M.

RECONVENTION: The Board reconvened at 6:05 P.M.

FORMAL HEARING: **Carroll Roberts, L.P.N. 0002-052965**  
Ms. Roberts appeared.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Kurt D. Hruneni court reporter, recorded the proceedings.

Rachel Shaw, Senior Investigator, Department of Health Professions was present and testified. Reba Broyles, Cora Morris and Lynda Davis 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 7:20 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Roberts. Additionally, Ms. Lindsay moved that Ms. Krohn, Dr. Elliott, Ms. Davis 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 7:37 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. Selig moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.  
The motion was seconded and carried unanimously.

Ms. Piersall moved to make findings of fact and conclusions of law and impose no sanction in the matter of Carroll Roberts.  
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 7:40 P.M.

RECONVENTION: The Board reconvened at 7:47 P.M.

FORMAL HEARING: **Melissa Pennington, R.N. 0001-165688**

Ms. Pennington did not appear.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Kurt D. Hruneni court reporter, recorded the proceedings.

Kimberly Whitmore, Senior Investigator, Department of Health Professions was 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 7:57 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Roberts. Additionally, Ms. Lindsay moved that Ms. Krohn, Dr. Elliott, Ms. Davis 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 8:05 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.

Dr. Selig moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

Dr. Selig moved to indefinite suspend the professional nursing license of Melissa Pennington until such time as she can appear before the Board and provide evidence 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.

ADJOURNMENT: The Board adjourned at 8:07 P.M.

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Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director

## Panel B

- TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 1:30 P.M. on May 21, 2008 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia
- BOARD MEMBERS PRESENT:** Lynne M. Cooper, Citizen Member, President  
Brenda Hale, R.N.  
Woody B. Hanes, R.N., M.S.N., F.N.P.  
John M. Horn, L.P.N.  
Lawrence L. Logan, Citizen Member  
G. Maxine Ponn, L.P.N.
- STAFF PRESENT:** Jay P. Douglas, R.N., M.S.M, C.S.A.C., Executive Director  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline  
Linda Kleiner, R.N., Discipline Case Manager  
Donna Lee, Senior Discipline Specialist
- OTHERS PRESENT:** Amy Marschean, Senior Assistant Attorney General
- ESTABLISHMENT OF A QUORUM:** With six members of the Board present, a quorum was established.
- FORMAL HEARINGS SCHEDULED:** **Jennifer Hedrick, L.P.N. 0002-052906**  
Ms. Hedrick appeared.
- James Schliessmann, Assistant Attorney General and Tammie Jones, Adjudication Specialist represented the Commonwealth. Amy Marschean, Senior Assistant Attorney General was legal counsel for the Board. Rhonda Tuck, court reporter, recorded the proceedings.
- Ann Hardy, Senior Investigator, Department of Health Professions; Sharon Poznanczyk, Director of Nursing, Hopewell Healthcare Center; Leigh Kammerer, Intake Coordinator, Health Practitioners Intervention Program.
- CLOSED MEETING:** Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:10 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hedrick.. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Mitchell, Ms. Kleiner, Ms. Lee and Ms. Marschean 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 4:45 P.M.
- Ms. Hale 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. Ponn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Schliessmann and amended by the Board. The motion was seconded and carried unanimously.

Ms. Hale moved that the Board of Nursing indefinitely suspend the practical nursing license of Jennifer Hedrick, stay said suspension contingent upon proof of re-entry into a recovery monitoring contract with the Health Practitioners Intervention Program and remaining in compliance with the terms of the contract. The motion was seconded and approved 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 4:50 P.M.

RECONVENTION:

The Board reconvened at 5:00 P.M.

FORMAL HEARINGS

**Soon Ja Kim, C.M.T. 0019-003046**

Ms. Kim appeared, represented by Steven Garver, Esquire and accompanied by her husband, Mr. Yamanoka; her mother, Do Son Kim; her daughter, Sonja Rice; and Ronald Kessler, former client of Ms. Kim.

Wayne Halbleib, Assistant Attorney General and LaRhonda Carter, Adjudication Specialist, represented the Commonwealth, Amy Marschean, Senior Assistant Attorney General was legal counsel for the Board. Rhonda Tuck, court reporter, recorded the proceedings.

Naima Fellers, Senior Investigator, Department of Health Professions testified by telephone. Jeffrey C. Reiff, Detective, Fairfax County Police Department; Ronald Kessler, Former United States Secret Service Agent; Soon Kim Rice, daughter of the respondent, were present and testified.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:20 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kim. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Mitchell, Ms. Kleiner, Ms. Lee and Ms. Marschean 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 8:08 P.M.

Ms. Hale 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. Ponn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Halbleib and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Hale moved that the Board of Nursing continue the massage therapy certificate of Soon Ja Kim on indefinite suspension to run concurrent with the court ordered probation and upon providing evidence to the Board of the completion of her probation, at which time Ms. Kim will be eligible to apply for reinstatement.

The motion was seconded and carried. Ms. Hale, Ms. Hanes, Mr. Horn, Mr. Logan and Ms. Ponn were in favor of the motion. Ms. Cooper 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 8:10 PM.

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Lynne M. Cooper, Citizen Member  
Vice President