

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 16, 2008**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on July 16, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**BOARD MEMBERS
PRESENT:** Judith E. Piersall, R.N., B.S.N., Chairperson
John M. Horn, L.P.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.

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 Registry
Manager
Amy Davis, Administrative Assistant (joined later)
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Eric Gregory, Assistant Attorney General
Nursing students from Virginia Commonwealth University; Tidewater
Community College; Bon Secours School of Nursing.

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

FORMAL HEARINGS: **Karen S. Spence, R.N. 0001-158603**
Ms. Spence did not appear.

LaRhonda Carter, Adjudication Specialist, represented the Commonwealth.
Howard M. Casway, Senior Assistant Attorney General was legal counsel for the
Board. Sandra Spinner, court reporter, recorded the proceedings.

Lila Theberge, R.N., C.F.N., Senior Investigator, Department of Health
Professions; Rhonda Kiracofe, R.N., Winchester Medical Center; and Kurt
Dengler, R.N., Winchester Medical Center were present and testified.

CLOSED MEETING: Mr. Logan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:35 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Spence. Additionally, Mr. Logan moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Lee, Mr. Gregory 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 9:50 P.M.

Mr. Logan 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 that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter and amended by the Board.

The motion was seconded and carried unanimously.

Dr. Selig moved that the Board of Nursing reprimand Karen Spence in her practice as a professional nurse.

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 HEARING:

Wanda O. Quarles, L.P.N. Reinstatement Applicant 0002-076505

Ms. Quarles appeared, accompanied by her husband, Danny Quarles.

Mary Beth Shelton, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Danny Quarles; and Patricia Sheehan, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Mr. Logan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:27 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Quarles. Additionally, Mr. Logan moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Lee, Mr. Gregory 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 approved unanimously.

RECONVENTION:

The Board reconvened in open session at 10:40 A.M.

Mr. Logan 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 approved unanimously.

Ms. Ponn 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.

Mr. Horn moved that the Board reinstate the practical nursing license of Wanda Quarles. 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:

Misty O. Sparks, R.N. Reinstatement Applicant 0001-159810

Ms. Sparks appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

Ms. Mitchell informed the Board that she and Ms. Sparks are former coworkers. There were no objections to Ms. Mitchell attending the closed session.

CLOSED MEETING:

Mr. Logan 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 deliberation to reach a decision in the matter of Ms. Sparks. Additionally, Mr. Logan moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Lee, Mr. Gregory 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 11:30 A.M.

Mr. Logan 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 to 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.

Mr. Horn moved to reinstate the professional nursing license of Misty Sparks. 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.

Ms. Douglas, Ms. Lee and Mr. Gregory left the meeting. Ms. Davis joined the meeting.

RECESS: The Board recessed at 11:40 A.M.

RECONVENTION: The Board reconvened at 2:00 P.M.

FORMAL HEARINGS: **Christina M. Lemieux, L.P.N. Reinstatement Applicant 0002-030402**
Ms. Lemieux appeared.

Peter Opper, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Vicky Fox, R.N., Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Mr. Logan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:17 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lemieux. Additionally, Mr. Logan moved that Ms. Mitchell, Ms. Krohn, 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 2:28 P.M.

Mr. Logan 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 to accept the findings of fact and conclusions of law as presented by Mr. Opper and amended by the Board. The motion was seconded and carried unanimously.

Ms. Ponn moved to reinstate the professional nursing license of Christina Lemieux. 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: **Maria Rodgers, C.N.A. Reinstatement Applicant 1401-003192**
Ms. Rodgers did not appear.

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

CLOSED MEETING: Mr. Logan 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 consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Ms. Rodgers. Additionally, Mr. Logan moved that Ms. Mitchell, Ms. Krohn, 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 2:50 P.M.
Mr. Logan 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.

CLOSED MEETING: Mr. Logan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:56 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Rodgers. Additionally, Mr. Logan moved that Ms. Mitchell, Ms. Krohn, 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 3:02 P.M.
Mr. Logan 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 to accept the findings of fact and conclusions of law as presented by Ms. Field.
The motion was seconded and carried unanimously.

Mr. Horn moved to deny Maria Rodgers' application for reinstatement and further revoke the right to renew her nurse aide certificate.

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 3:03 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director, Medication Aide Registry Manager

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
July 16, 2008**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 11:40 A.M., July 16, 2008 in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: Lawrence Logan, Citizen Member
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Linda Kleiner, R.N., Discipline Case Manager

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Ms. Ponn moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:40 A.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Ponn moved Ms. Kleiner attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 11:55 A.M.

Ms. Ponn moved that the Special Conference Committee of 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.

Investigative reports regarding one registered nurse was reviewed.

ACTION: Mr. Logan moved to offer the above individual a pre-hearing consent order in lieu of further administrative proceedings.
The motion was seconded and approved unanimously.

ADJOURNMENT: The Committee adjourned at 11:57 A.M.

Linda Kleiner, R.N.
Discipline Case Manager

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
July 16, 2008**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 11:45 A.M., July 16, 2008 in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: Patricia M. Selig, R.N, F.N.P., Ph.D.
John M. Horn, L.P.N.

STAFF PRESENT: Jane Elliott, R.N., Ph.D., Discipline Staff

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Dr. Selig moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:45 A.M. for the purpose of deliberation regarding case disposition. Additionally, Dr. Selig moved Dr. Elliott attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 12:05 P.M.

Dr. Selig moved that the Special Conference Committee of 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.

Investigative reports regarding three registered nurses and nine licensed practical nurses were reviewed.

ACTION: Mr. Horn moved to offer all of the above individuals a pre-hearing consent order in lieu of further administrative proceedings.
The motion was seconded and approved unanimously.

ADJOURNMENT: The Committee adjourned at 12:07 P.M.

Jane Elliott, R.N., Ph.D.
Discipline Staff

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
July 16, 2008**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 1:15 P.M., July 16, 2008 in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: Jane E. Piness, M.D.
Judith Piersall, RN. B.S.N.

STAFF PRESENT: Jane Elliott, R.N., Ph.D., Discipline Staff

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Ms. Piersall moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:15 P.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Piersall moved Dr. Elliott attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 1:45 P.M.

Dr. Piness moved that the Special Conference Committee of 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.

Investigative reports regarding six licensed nurse practitioners were reviewed.

ACTION: Dr. Piness moved to close three of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations.
The motion was seconded and carried unanimously.

Ms. Piersall moved to offer three of the above individuals a pre-hearing consent order in lieu of further administrative proceedings.
The motion was seconded and approved unanimously.

ADJOURNMENT: The Committee adjourned at 1:47 P.M.

Jane Elliott, R.N., Ph.D.
Discipline Staff