

**VIRGINIA BOARD OF NURSING
MINUTES
May 20, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:03 A.M. on May 20, 2009 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia

**BOARD MEMBERS
PRESENT:**

Lynne M. Cooper, Citizen Member, President
Patricia M. Selig, R.N., F.N.P., Ph.D., Vice President
Peregrin Francisco, R.N., M.S.A., Secretary
Florence Jones-Clarke, R.N., M.S.
Brenda L. Hale, R.N.,
Joyce A. Hahn, Ph.D.; APRN; NEA-BC
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.

**BOARD MEMBER
ABSENT:**

Lawrence L. Logan, Citizen Member

STAFF PRESENT:

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

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General

**ESTABLISHMENT OF
A QUORUM:**

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Karen S. Hyde, L.P.N. 0002-045532

Ms. Hyde did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of

Karen Hyde until such time as she can demonstrate that she is capable of resuming the safe and competent practice of practical nursing. The motion was seconded and carried unanimously.

Sarah C. Ross, R.N. 0001-200663

Ms. Ross did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Sarah Ross with said suspension stayed contingent upon Ms. Ross re-entering the Health Practitioners Intervention Program and remaining in compliance with the terms and conditions specified by the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Edward Morse, L.P.N. 0002-028736

Mr. Morse did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to to accept the voluntary surrender for indefinite suspension of Edward Morse's right to renew his license to practice practical nursing until such time as Mr. Morse can demonstrate that he is capable of resuming the safe and competent practice of practical nursing.

The motion was seconded and carried unanimously.

Kimberly Polarek Smith, R.N. 0001-174036

Ms. Smith did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Kimberly Polarek Smith with said suspension stayed after Ms. Smith re-enters the Health Practitioners Intervention Program and demonstrates six months compliance with a recovery monitoring contract and must remain in compliance thereafter with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Myrtle Leah Stapleton, R.N. 0001-183264; L.P.N. 0002-032437

Ms. Stapleton did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Myrtle Stapleton for not less than one year and until such time as Ms. Stapleton can demonstrate that she is capable of resuming the safe and competent practice of professional nursing, and that Ms. Stapleton's right to renew her practical nursing license be indefinitely suspended for not less than one year and until such time as Ms. Stapleton can demonstrate that she is capable of resuming the safe and competent practice of practical nursing.

The motion was seconded and carried unanimously.

Steven M. Leathers, C.N.A. 1401-076319

Mr. Leathers did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate that the right to renew the nurse aide certificate of Steven Leathers be revoked and a finding of misappropriation of patient property be entered against him in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Monitta Williams, C.N.A. 1401-100626

Ms. Williams did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Monitta Williams and a finding of abuse be entered against her in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Juaton Adams, C.N.A. 1401-118307

Mr. Adams did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Juaton Adams and to enter a finding of abuse be entered against him on the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Nicole L. Reddington, C.N.A. 1401-084913

Ms. Reddington did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Nicole Reddington to renew her nurse aide certificate until such time as she can demonstrate sufficient evidence that she is safe and competent to resume nurse aide practice. The motion was seconded and carried unanimously.

Latasha Spencer, C.N.A. 1401-124204

Ms. Spencer did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Latasha Spencer. The motion was seconded and carried unanimously.

Lynette Moore, C.N.A. 1401-094906

Ms. Moore did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Lynette Moore. The motion was seconded and carried unanimously.

Kellie Wells, R.N. 0001-178251; L.P.N. 0002-052393

Ms. Wells did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Kellie Wells until such time as she can provide sufficient evidence that she is safe and competent to practice nursing and further, the right to renew the practical nursing license of Kellie Wells also be indefinitely suspended until such time as she can provide sufficient evidence that she is safe and competent to practice nursing.

The motion was seconded and carried unanimously.

Shikita Jackson, L.P.N. 0002-059849

Ms. Jackson did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Shikita Jackson, with said suspension stayed contingent upon Ms. Jackson's re-entry into the Health Practitioners Intervention Program and signing a recovery monitoring contract. Thereafter, Ms. Jackson shall remain in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Darren W. Cosby, C.N.A. 1401-117964

Mr. Cosby did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the right to renew the nurse aide certificate of Darren Cosby and to enter a finding of abuse in the nurse aide registry.

The motion was seconded and carried unanimously.

Wanda Sechrist, C.N.A. 1401-087414

Ms. Sechrist did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Wanda Sechrist and enter a finding of abuse in the Virginia Nurse Aide Registry.

The motion was seconded and carried unanimously.

Stephanie Thompson, C.N.A. 1401-084259

Ms. Thompson did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the right to renew the nurse aide certificate of Stephanie Thompson and enter a finding of abuse in the Virginia Nurse Aide Registry.

The motion was seconded and carried unanimously.

Deborah B. D. Kavanaugh, L.P.N. 0002-037946

Ms. Kavanaugh did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Deborah Kavanaugh with the suspension stayed contingent upon Ms.

Kavanaugh's entry into the Health Practitioners Intervention Program and signing a recovery monitoring contract. Thereafter, Ms. Kavanaugh shall remain in compliance with the Health Practitioners Intervention Program. The motion was seconded and carried unanimously.

Sherri D. Barger, L.P.N. 0002-051362

Ms. Barger did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to assess a monetary penalty of \$200 to Sherri Barger. The motion was seconded and carried unanimously.

Kristen Allen, C.N.A. 1401-104814

Ms. Allen did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Kristen Allen and a finding of misappropriation of patient property be entered against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Lisa A. Armentrout, L.P.N. 0002-039393

Ms. Armentrout did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend Lisa Armentrout's right to renew her license to practice as a practical nurse until such time that she can provide evidence that she is safe and competent to resume the practice of nursing. The motion was seconded and carried unanimously.

Mary C. Sheeley, R.N. 0001-154680

Ms. Sheeley did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to require Mary Sheeley to submit to a mental health evaluation by a specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within forty-five days after the date that the order is entered. Ms. Sheeley shall comply with the recommendations of the specialist, if there are any, and she shall provide authorization for free communication between the Board, its authorized agents and the specialist. Upon receipt of the required information, the Board may request that Ms. Sheeley appear before a Special Conference Committee at an informal conference in order to consider the specialist's recommendations and to make a final disposition of the matter. The motion was seconded and carried unanimously.

Carolyn E. Waldron, L.P.N. 0002-077435

Ms. Waldron did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to require Carolyn Waldron complete the National Council of State Boards of Nursing online course "Documentation: A Critical Aspect of Client Care" and provide evidence of satisfactory completion of this course to the Board within forty-five days of entry of the order; and additionally require Ms. Waldron to submit to a mental health evaluation by a specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within forty-five days after the date that the order is entered. Ms. Waldron shall comply with the recommendations of the specialist, if there are any, and she shall provide authorization for free communication between the Board, its authorized agents and the specialist. Upon receipt of the required information, the Board may request that Ms. Waldron appear before a Special Conference Committee at an informal conference in order to consider the specialist's recommendations and to make a final disposition of the matter.

The motion was seconded and carried unanimously.

Shelia Bloxom-Huff, R.N. 0001-144509; L.P.N. 0002-045709

Ms. Bloxom-Huff did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license and the right to renew the practical nursing license of Shelia Bloxom-Huff with said suspension stayed upon proof of Ms. Bloxom-Huff's entry into the Health Practitioners Intervention Program and demonstrating six months compliance with a recovery monitoring contract. Therefore she shall remain in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Danielle Gardner, C.N.A. 1401-090708

Ms. Gardner appeared.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:10 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power, 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 9:12 A.M.

Ms. Francisco 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 recommended decision of the agency subordinate to revoke the nurse aide certificate of Danielle Gardner and enter a finding of abuse in the Virginia Nurse Aide Registry.
The motion was seconded and carried unanimously.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:15 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power, 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 10:45 A.M.

Ms. Francisco 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.

Mary Hannah Turner, R.N. 0001-191421

Ms. Turner did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Mary Turner with said suspension stayed contingent upon Ms. Turner's continued compliance with the terms and conditions of the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Richard E. Palley, R.N., 0001-114680; L.N.P. 0024-114680

Ms. Palley did not appear.

Ms. Jones-Clarke moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Richard Palley.

The motion was seconded and carried unanimously.

Joyce Thomas, C.N.A. 1401-062269

Ms. Thomas did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Joyce Thomas with that suspension stayed contingent upon her entry into and remaining in compliance with the Health Practitioners Intervention Program.

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

Lateasha Parker, L.P.N. 0002-062796

Ms. Parker did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Lateasha Parker.

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

Regina F. Smith Bittner, R.N. 0001-175765

Ms. Bittner did not appear.

Ms. Ponn moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Regina Smith Bittner with the suspension to be stayed contingent upon Ms. Bittner's re-entry into the Health Practitioners Intervention Program and demonstrating six months compliance with a recovery monitoring contract. Thereafter, Ms. Bittner shall remain in compliance with the Health Practitioners Intervention Program.

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

Jessica Greear, L.P.N. 0002-076659

Ms. Greear did not appear.

Ms. Lane moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Jessica Greear until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

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

Heather Menzies, R.N. 0001-196883

Ms. Menzies did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action contingent upon Heather Menzies remaining in compliance with her Health Practitioners Intervention Program Recovery Monitoring Contract.

The motion was seconded and carried unanimously.

Christy Hamlett, R.N. 0001-201730

Ms. Hamlett did not appear.

Ms. Ponn moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Christy Hamlett with the suspension to be stayed contingent upon Ms. Hamlett's entry into the Health Practitioners Intervention Program and demonstrating six months compliance with a recovery monitoring contract. Thereafter, Ms. Hamlett remaining in compliance with the Health Practitioners Intervention Program for a period of six months.

The motion was seconded and carried unanimously.

Brenda Faye Dalton, C.N.A. 1401-04445

Ms. Dalton did not appear.

Ms. Cooper moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Brenda Dalton until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

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

Samara D. R. Johnston, R.N. 0001-208985

Ms. Johnston did not appear.

Ms. Cooper moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Samara Johnston until Ms. Johnston 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.

Denise L. Harris, L.P.N. 0002-053669

Ms. Harris did not appear.

Ms. Lane moved to modify the recommended decision of the recommended decision of the agency subordinate to indefinitely suspend Denise Harris' right to renew her practical nursing license until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Jennifer J. Lapiana, R.N. 0001-173929

Ms. Lapiana did not appear.

Ms. Cooper moved that the Board of Nursing modify the recommended decision of the agency subordinate to reprimand Jennifer Lapiana, as well as, indefinitely suspend the professional nursing license of Ms. Lapiana with said suspension stayed upon proof of Ms. Lapiana's demonstration of six months compliance with a recovery monitoring contract with the Health Practitioners Intervention Program. Thereafter, Ms. Lapiana must remain in compliance with the Health Practitioners Intervention Program.

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

Nancy D. Sykes, L.P.N. 0002-065006

Ms. Sykes did not appear.

Ms. Cooper moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Nancy Sykes with said suspension stayed upon proof of Ms. Sykes' entry into the Health Practitioners Intervention Program and demonstrating six months compliance with a recovery monitoring contract with the Health Practitioners Intervention Program. Thereafter, she must remain in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Christine M. Stolba, R.N. 0001-189081

Ms. Stolba did not appear.

Dr. Selig moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Christine Stolba until such time as she is able to resume the safe and competent practice of professional nursing. The suspension shall be stayed upon proof of re-entry into the Health Practitioners Intervention Program and demonstrating six months compliance with a recovery monitoring contract, and thereafter, she shall remain in compliance with the Health Practitioners Intervention Program. In addition, impose a \$500 monetary penalty to Ms. Stolba, to be paid by the completion of six months compliance with the Health Practitioners Intervention Program recovery monitoring contract, and as a condition of the stayed suspension.

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

RECESS: The Board recessed at 10:45 A.M.

RECONVENTION: The Board reconvened at 10:55 A.M.

Irene A. Owusu, C.N.A. 1401-105386

Ms. Owusu did not appear.

Dr. Selig moved to accept the agency subordinate recommendation to reprimand Irene Owusu. The motion was seconded and carried.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:20 A.M., for the purpose of consideration of an agency subordinate recommendation.

Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power, 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 11:30 A.M.

Ms. Francisco 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 withdraw her previous motion and moved that the Board of Nursing reject the recommended decision of the agency subordinate and to refer the matter of Irene Owusu to a formal hearing.

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

ADJOURNMENT:

The meeting was adjourned at 11:30 A.M.

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

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**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS**

May 20, 2009

Panel - A

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:50 A.M. on May 20, 2009 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

BOARD MEMBERS

PRESENT:

Patricia M. Selig, R.N., F.N.P., Ph.D., Vice President
Peregrin Francisco, R.N., M.S.A.
Joyce A. Hahn, Ph.D., APRN, NEA-BC
John M. Horn, L.P.N.
Florence Jones-Clarke, R.N. M.S.
G. Maxine Ponn, L.P.N.

STAFF PRESENT:

Jodi P. Power, R.N., J.D., Deputy Executive Director
Brenda Krohn, R.N., M.S. Deputy Executive Director (joined later)
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT:

Ishneila Moore, Assistant Attorney General

**ESTABLISHMENT OF
A QUORUM:**

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

FORMAL HEARINGS:

Samuel McGill, C.N.A. 1401-110366

Mr. McGill appeared, represented by attorney, Leslie Silverman.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Ms. Moore was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Sharon Squires, Senior Investigator, Department of Health Professions and Adolphus Jalore, C.N.A., Ruxton Healthcare of Alexandria were present and testified.

CLOSED MEETING:

Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:15 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. McGill. Additionally, Ms. Ponn moved that Ms. Power, Ms. Lee and Ms. Moore 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 1:20 P.M.

Ms. Ponn 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.

ACTION:

Mr. Horn moved that the Board of Nursing close the case in the matter of Samuel McGill due to insufficient evidence of a violation of Board of Nursing law and regulations.

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. Krohn joined the meeting.

FORMAL HEARINGS:

Alexis R. Austin, C.N.A. 1401-022214

Mr. Austin appeared.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Ms. Moore was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

The proceeding was interrupted as the building was evacuated due to an alarm.

Jennifer Challis Senior Investigator, Department of Health Professions; Pamela Hill, L.C.S.W.; Margarite Jeffer, source; Bevel Dean, former client family member; Mary Vaughn, former client family member; Beatrice Hyman, former client family member were present and testified.

CLOSED MEETING:

Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:18 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Austin. Additionally, Ms. Ponn moved that Ms. Krohn, Ms. Lee and Ms. Moore 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 4:24 P.M.

Ms. Ponn 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.

ACTION: Mr. Horn moved that the Board of Nursing close the case in the matter of Alexis Austin due to insufficient evidence of a violation of Board of Nursing law and regulations.
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. Krohn left the meeting.

FORMAL HEARINGS: **Suzanne M. Bex, C.N.A. 1401-094893**
Ms. Bex appeared.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Ms. Moore was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Kelly Ashley, Senior Investigator, Department of Health Professions; Rebecca Bedio, L.P.N.; Teresa Byrd, R.N. were present and testified. Karissa Wilkins, L.P.N. testified by telephone.

CLOSED MEETING: Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:05 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bex. Additionally, Ms. Ponn moved that Ms. Power, Ms. Lee and Ms. Moore 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 6:15 P.M.

Ms. Ponn 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. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Jones-Clarke moved that the Board of Nursing issue an order of reprimand to Suzanne Bex, C.N.A.
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 6:20 P.M.

RECONVENTION: The Board reconvened at 6:30 P.M.

FORMAL HEARINGS: **Patricia Herndon, L.P.N. Reinstatement Applicant 0002-034442**
Ms. Herndon appeared.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Ms. Moore was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:00 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Herndon. Additionally, Ms. Ponn moved that Ms. Power, Ms. Lee and Ms. Moore 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 7:15 P.M.

Ms. Ponn 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. Hahn moved that the Board of Nursing accept the findings of fact and conclusion of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Jones-Clarke moved that the Board of Nursing reinstate the practical nursing license of Patricia Herndon, and issue an unrestricted license with multi-state privileges.

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: **Torrey E. Wilson, L.P.N. Reinstatement Applicant 0002-044699**

Ms. Wilson appeared, accompanied by her mother, Karen Wilson and other family members.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Ms. Moore was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Vicky Fox, Senior Investigator, Department of Health Professions; Karen Wilson and Carol Walker were present and testified.

CLOSED MEETING: Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 8:04 P.M., for the purpose of

deliberation to reach a decision in the matter of Ms. Wilson. Additionally, Ms. Ponn moved that Ms. Power, Ms. Lee and Ms. Moore 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 8:30 P.M.

Ms. Ponn 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. Hahn 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.

ACTION:

Mr. Horn moved that the Board of Nursing reinstate the practical nursing license of Torrey Wilson and issue a license that is valid in Virginia only.

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 8:35 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 20, 2009
Panel - B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 1:13 P.M. on May 20, 2009 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**BOARD MEMBERS
PRESENT:** Lynne M. Cooper, President
Brenda L. Hale, R.N.
Patricia C. Lane, R.N., B.S.N.
Evelyn Lindsay, L.P.N.
Judith E. Piersall, R.N., B.S.N.

**BOARD MEMBER
ABSENT:** Lawrence L. Logan, Citizen Member

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Amy Davis, Administrative Assistant

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

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

FORMAL HEARINGS: **Sandra Minton, L.P.N. 0002-046054**
Ms. Minton appeared, represented by attorney, Emmitt Yeary.
Wm. Clay Garrett, Assistant Attorney General and LaRhonda Carter, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.
Rachel Shaw, R.N. Investigator, Department of Health Professions; was present and testified. The testimony of Ms. Shaw was interrupted as the building was evacuated due to an alarm. Ms. Shaw resumed her testimony when the proceeding reconvened. Tina Tester Jones, Licensing Inspector, Department of Social Services was present and testified.

RECESS: The Board recessed at 4:27 P.M.

RECONVENTION: The Board reconvened at 4:35 P.M. and continued with the testimony of Ms. Jones.

Venus Watson, Medication Tech; and Cynthia Colley, L.P.N. were present and testified.

RECESS: The Board recessed at 6:41 P.M.

RECONVENTION: The Board reconvened at 7:33 P.M.

Mac Clifton, Owner, Abingdon Manor Home for the Aged; and Angela Widener, Medication Tech were present and testified.

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

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

RECESS: The Board recessed at 12:19 A.M.

RECONVENTION: The Board reconvened at 12:28 A.M.

CLOSED MEETING: Ms. Lane moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:28 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Minton. Additionally, Ms. Lane moved that Ms. Douglas, 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 2:10: A.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. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Garrett and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing suspend the practical nursing license of Sandra Minton, further issue an order of reprimand and impose a \$1,000 monetary penalty to be paid within sixty days of entry of the order.

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: **Sarah Swink, L.P.N. 0002-071437**
Ms. Swink did not appear.

Mary Beth Shelton, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, 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 2:25 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Swink. Additionally, Ms. Lindsay moved that Ms. Douglas, 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 2:26 A.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. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Shelton.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hale moved that the Board of Nursing indefinitely suspend the practical nursing license of Sarah Swink until such time as she appears before the Board and provides sufficient 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 2:30 A.M.

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