

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Thursday, July 21, 2011**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on July 21, 2011 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS
PRESENT:

Evelyn Lindsay, L.P.N., Secretary
Allison Gregory, R.N., L.N.P.
Louise D. Hartz, Citizen Member
Patricia C. Lane, R.N., B.S.N.
Karen K. Schultz, Ph.D, M.B.A., Citizen Member

STAFF PRESENT:

Brenda Krohn, R.N., M.S. Deputy Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director (joined later)
Krystal Blanton, Senior Discipline Specialist

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:

Laura Toole, R.N. 0001-216545

Ms. Toole did not appear.

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

Pamela Kincheloe, Senior Investigator, Department of Health Professions; and Karen Dunavent, Assistant Pharmacy Director were present and testified.

CLOSED MEETING:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:39 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Toole. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Power, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:46 A.M.

Ms. Hartz 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. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lane moved that the Board of Nursing indefinitely suspend the professional nursing license of Laura Toole for a period of not less two years and 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.

FORMAL HEARINGS:

Ms. Patricia A. Wolff, R.N. Reinstatement Applicant 0001-204586

Ms. Wolff appeared, represented by Gerald Canaan, attorney

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

Cecile Custer, Senior Investigator, Department of Health Professions; and Sandy Hall, Risk Analyst, University Health Systems of Eastern Carolina were present and testified.

CLOSED MEETING:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:45 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wolff. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Power, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 12:04 P.M.

Ms. Hartz 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. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing reinstate the professional nursing license of Patricia Wolff contingent upon completion of two courses. 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: **Enriqua McElrath, L.P.N. Reinstatement Applicant 0002-080844**
Ms. McElrath appeared, accompanied by her sister, Cristina McWilliams.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Cheri M. Thomas, court reporter, recorded the proceedings.

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

CLOSED MEETING: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:28 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. McElrath. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Power, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:33 P.M.

Ms. Hartz 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. Gregory moved that the Board of Nursing 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.

ACTION: Dr. Schultz moved that the Board of Nursing reinstate the practical nursing license of Enrique McElrath. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 12:35 P.M.

RECONVENTION: The Board reconvened at 1:00 P.M.

Ms. Douglas joined the meeting. Ms. Power left the meeting.

FORMAL HEARINGS: **Venaris M. Vereen, R.N. Reinstatement Applicant 0001-171771**

Ms. Vereen appeared.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Cheri M. Thomas, court reporter, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions; and Kim Whitmore, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:04 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Vereen. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Douglas, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:19 P.M.

Ms. Hartz 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. Gregory moved that the Board of Nursing 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.

ACTION:

Ms. Hartz moved that the Board of Nursing deny the application of Venaris Vereen for reinstatement of her professional nursing license and further, continue the license on indefinite suspension. 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:

Rose Gupton, L.P.N. Reinstatement Applicant 0002-040777

Ms. Gupton appeared.

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

CLOSED MEETING:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:37 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gupton. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Douglas, Ms. Blanton and Mr. Casway attend

the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:53 P.M.

Ms. Hartz 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. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved that the Board of Nursing deny the application of Rose Gupton for reinstatement of her practical nursing license and continue the license on indefinite suspension. 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:

Mendy Pope, L.P.N. 0002-077195

Ms. Pope did not appear.

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

CLOSED MEETING:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:22 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Pope. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Douglas, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:30 P.M.

Ms. Hartz 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. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing indefinitely suspend the practical nursing license of Mendy Pope for a period of not less than one year and 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. Ms. Lindsay, Ms. Gregory, Ms. Hartz and Dr. Schultz were in favor of the motion. Ms. Lane 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.

FORMAL HEARINGS: **Rina Zavelsky, R.N. Reinstatement Applicant 0001-155095**
Ms. Zavelsky appeared, represented by attorney, Stephen Rosenthal.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Mr. Casway was legal counsel for the Board. Cheri M. Thomas, court reporter, recorded the proceedings.

Vicky Fox, Senior Investigator, Department of Health Professions; and Valerie Bester, CEO, Pro Nurses was present and testified.

CLOSED MEETING: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:39 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Zavelsky. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Douglas, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 7:16 P.M.

Ms. Hartz 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. Gregory 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. Lane moved that the Board of Nursing deny the application of Rina Zavelsky for reinstatement of her professional nursing license and continue the license on indefinite suspension. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 7:20 P.M.

Brenda Krohn, R.N., M.S., Deputy Executive Director
Deputy Executive Director