

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Monday, February 7, 2011**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:10 A.M. on February 7, 2011 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Florence Jones-Clarke, R.N., M.S., Chairperson
Allison Gregory, R.N., L.N.P.
Louise D. Hartz, Citizen Member
Evelyn Lindsay, L.P.N.
Karen Schultz, M.B.A.; Ph.D, Citizen Member

MASSAGE THERAPY ADVISORY BOARD MEMBER PRESENT:
Joseph Schibner, IV, C.M.T., (joined later)

STAFF PRESENT: Brenda Krohn, R.N., M.S., Deputy Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
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.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

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 9:10 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:15 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.

Julie P. DeMary, R.N. 0001-117264

Ms. DeMary did not appear.

Dr. Schultz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Julie DeMary until such time as she is able to resume the safe and competent practice of professional nursing.

The motion was seconded and carried unanimously.

David R. Thurston, R.N. 0001-099504

Mr. Thurston did not appear.

Dr. Schultz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of David Thurston until such time as he is able to resume the safe and competent practice of professional nursing.

The motion was seconded and carried unanimously.

Christina A. Lovern, R.N. 0001-213964

Ms. Lovern did not appear.

Dr. Schultz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the professional nursing license of Christina Lovern for not less than two years and until such time as she is able to resume the safe and competent practice of professional nursing.

The motion was seconded and carried unanimously.

Lawrence T. Brown, L.P.N. 0002-069976

Mr. Brown did not appear.

Dr. Schultz moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Lawrence Brown and require Mr. Brown to provide the Board with verification of completion of the following National Council of State Boards of Nursing courses within 60 days of entry of the order: "Medication Errors: Detection and Prevention" and "Documentation: A Critical Aspect of Client Care".

The motion was seconded and carried unanimously.

FORMAL HEARINGS:

Charlisa R. Wiggins, C.N.A. Reinstatement Applicant 1401-063466

Ms. Wiggins appeared.

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

Vicky Fox, 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 10:04 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wiggins. Additionally, Ms. Lindsay 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 10:45 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. 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 reinstate the nurse aide certification of Charlisa Wiggins and place her on indefinite probation with terms for a period of not less than one year of employment as a certified nurse aide. The motion was seconded and carried. Ms. Lindsay, Ms. Gregory, Ms. Jones-Clarke and Dr. Schultz were in favor of the motion. Ms. Hartz 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: **Cynthia L. Dixon, C.N.A. 1401-052163**
Ms. Dixon did not appear.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

J.W. Turner, Senior Investigator, Department of Health Professions; Alethia Gaither, R.N.; and Janet White, Licensed Nursing Home Administrator of Emporia Manor were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:45 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Dixon. Additionally, Ms. Lindsay 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 12:03 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. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hartz moved that the Board of Nursing revoke the nurse aide certification of Cynthia Dixon with a finding of abuse and neglect.

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.

Subsequent to the formal hearing but prior to entry of the order, the Board learned that Ms. Dixon communicated the Board office to request a continuance due to illness on February 7, 2011. The request for a continuance was subsequently granted and it was determined that the matter will be reheard and a formal hearing will be rescheduled at a future date.

FORMAL HEARINGS:

Debra S. Inman, L.P.N. Reinstatement Applicant 0002-039113

Ms. Inman appeared.

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

Patricia Sheehan, 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 12:40 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Inman. Additionally, Ms. Lindsay 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 1:03 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. Hartz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Gregory moved that the Board of Nursing reinstate the practical nursing license of Debra Inman. The motion was seconded and carried. Ms. Gregory, Ms. Hartz, Ms. Jones-Clarke and Dr. Schultz were in favor of the motion. Ms. Lindsay 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.

RECESS: The Board recessed at 1:08 P.M.

RECONVENTION: The Board reconvened at 1:50 P.M.

Mr. Schibner joined the meeting.

FORMAL HEARINGS: **Felicia R. Gatewood, C.M.T. 0019-006200**
Ms. Gatewood did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, 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 2:05 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gatewood. Additionally, Ms. Lindsay moved that 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 2:20 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. 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: Mr. Schibner moved that the Board of Nursing indefinitely suspend the massage therapy certification of Felicia Gatewood until such time as she submits evidence of satisfying continued competency requirements for renewal or reinstatement of her certification. The motion was seconded and carried unanimously.

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

Mr. Schibner left the meeting.

FORMAL HEARINGS: **Rhonda L. Williams, C.N.A. 1401-136772**

Ms. Williams did not appear.

Wendell Roberts, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; and Leigh Kammerer, Intake Case Manager, Health Practitioners Monitoring Program 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 2:50 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Williams. Additionally, Ms. Lindsay moved that 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 2:58 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. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing revoke the nurse aide certification of Rhonda Williams.

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: **Sylvester Britt, R.N. 0001-072640**

Mr. Britt appeared, represented by attorney, George Minor, Jr.

Wayne Halblieb, Senior Assistant Attorney General and Peter Opper, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Evelyn Brown, Executive Director, Department of Health Professions Boards of Counseling, Psychology and Social Work; Randy Kauffman; Patricia Harte-Byers, Senior Investigator, Department of Health Professions; Karen Schaller, Senior Investigator, Department of Health Professions were present and testified.

RECESS: The Board recessed at 5:15 P.M.

RECONVENTION: The Board reconvened at 5:30 P.M.

Ms. Krohn left the meeting at 5:50 P.M.

RECESS: The Board recessed at 8:10 P.M.

RECONVENTION: The Board reconvened at 8:20 P.M.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:10 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Britt. Additionally, Ms. Lindsay moved that 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 10:47 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Hartz 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.

ACTION: Ms. Lindsay moved that the Board of indefinitely suspend the professional nursing license of Sylvester Britt for a period of not less than two years. 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 10:52 P.M.

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