

**VIRGINIA BOARD OF NURSING**  
**Minutes**  
**January 25, 2012**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on January 25, 2012 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS**

**PRESENT:** Patricia M. Selig, RN, FNP, PhD; President  
Joyce A. Hahn, PhD, APRN, NEA-BC; Vice President (joined later)  
Evelyn Lindsay, LPN (joined later)  
Allison Gregory, RN, LNP (joined later)  
Louise D. Hartz, Citizen Member  
Jeanne E. Holmes, Citizen Member  
John M. Horn, LPN  
Jane R. Ingalls, RN, CNS, PhD (joined later)  
Florence Jones-Clarke, RN, MS  
Patricia C. Lane, RN, BSN  
Trula E. Minton, MS, RN  
Karen K. Schultz, PhD, MBA; Citizen Member  
William Traynham, LPN

**STAFF PRESENT:** Jay P. Douglas, RN, MSM, CSAC, Executive Director (joined later)  
Jodi Power, RN, JD, Deputy Executive Director  
Gloria D. Mitchell, RN, MSN, MBA, Deputy Executive Director  
Jane Elliott, RN, PhD, Discipline Staff  
Ann Tiller, Compliance Manager  
Amy Davis, Executive Assistant  
Krystal Blanton, Senior Discipline Specialist

**OTHERS PRESENT:** Howard Casway, Senior Assistant Attorney General

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

**CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:**

**Sherene Jarrett, CNA 1401-084310**  
Ms. Jarrett appeared.

**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 9:14 A.M. for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Hartz moved that Ms. Power, Ms. Mitchell, Dr. Elliott, Ms. Tiller, Ms. Davis, 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 9:18 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.

ACTION: Mr. Traynham moved to accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Sherene Jarrett and that a finding of abuse be entered against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

**Cathy G. McKinney, LPN 0002-069784**

Ms. McKinney appeared.

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 9:23 A.M. for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Hartz moved that Ms. Power, Ms. Mitchell, Dr. Elliott, Ms. Tiller, Ms. Davis, 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 9:30 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.

ACTION: Dr. Schultz moved to accept the recommended decision of the agency subordinate to place Cathy McKinney on indefinite probation for a period of not less than two years with terms. The motion was seconded and carried unanimously.

Ms. Douglas joined the meeting. Dr. Elliott left the meeting.

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 9:31 A.M. for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Power, Ms. Mitchell, Ms. Davis, 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 10:32 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.

**Sarah Donahue, C.N.A. 1401-139246**

Ms. Donahue did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Sarah Donahue for a period of not less than two years and until such time as she can present evidence that she capable of resuming the safe and competent practice as a nurse aide. The motion was seconded and carried unanimously.

**Mavis Kumi, C.N.A. 1401-131195**

Ms. Kumi did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Mavis Kumi and to enter a finding of abuse against her in the Virginia Nurse Aide Registry.

The motion was seconded and carried unanimously.

**Shannon Smith, CNA 1401-062209**

Ms. Smith did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Shannon Smith and to enter a finding of misappropriation and neglect against her in the Virginia Nurse Aide Registry.

The motion was seconded and carried unanimously.

**Micki Wetzel, CNA 1401-111136**

Ms. Wetzel did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Micki Wetzel and to enter findings of abuse and neglect against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

**Serrina Henderson, CNA 1401-073496**

Ms. Henderson did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Serrina Henderson and to enter a finding of abuse against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

**Laken Humphrey, CNA 1401-124918**

Ms. Humphrey did not appear.

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

**Tamara Simmons, CNA 1401-141638**

Ms. Simmons did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Tamara Simmons and to enter a finding of abuse against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

**Becky Smith, CNA 1401-141689**

Ms. Smith did not appear.

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

**Melony J. Blake, RN 0001-206881**

Ms. Blake did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand and to take no further action contingent upon Ms. Blake's continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

**Jason L. Arthur, LPN 0002-080348**

Mr. Arthur did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nurse license of Jason Arthur until such time as he can demonstrate that he is capable of resuming the safe and competent practice of practical nursing. The motion was seconded and carried unanimously.

**Linda Cable, RN 0001-127019**

Ms. Cable did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of Linda Cable 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.

**Stephanie Miles, RN 0001-186542**

Ms. Miles did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against Stephanie Miles contingent upon Ms. Miles' reentry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the program.

The motion was seconded and carried unanimously.

**Rhonda L. Mays, LPN 0002-038047**

Ms. Mays did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nurse license of Rhonda Mays, but stay the suspension contingent upon her reentry into and her continued compliance with the terms of the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

**Krista Y. Schofield, CNA 1401-126021**

Ms. Schofield did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Krista Schofield, but stay the suspension contingent upon her entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the program. The motion was seconded and carried unanimously.

**Laura Jehoich, RN 0001-122401**

Ms. Jehoich did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of Laura Jehoich, but stay the suspension upon proof of entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the terms of the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

**Ashley Comer, LPN 0002-079132**

Ms. Comer did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Ashley Comer and order Ms. Comer to appear at the Board office within 30 days of entry of the order to view the National Council of State Boards of Nursing video "Crossing the Line". The motion was seconded and carried unanimously.

**Jamie Painter, RN 0001-165070**

Ms. Painter did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of

Jamie Painter 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.

**Teresa Ford, LPN 0002-036061**

Ms. Ford did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nurse license of Teresa Ford until such time as she appears before the Board and demonstrates sufficient evidence that she is safe and competent to resume nursing practice. The motion was seconded and carried unanimously.

**LaTonya S. Threatt, LPN 0002-068359**

Ms. Threatt did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to LaTonya Threatt, and further, indefinitely suspend the practical nursing license of Ms. Threatt until such time as she can appear before the Board and demonstrate that she is capable of resuming safe and competent nursing practice. The motion was seconded and carried unanimously.

**Audrey Jones, LPN 0002-032365**

Ms. Jones did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nurse license of Audrey Jones until such time as she can demonstrate that she is capable of resuming safe and competent practice of nursing. The motion was seconded and carried unanimously.

**Negatha McPeak, RN 0001-227782**

Ms. McPeak did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Negatha McPeak, and further order Ms. McPeak complete the National Council of State Boards of Nursing online course “Ethics of Nursing Practice” within 45 days of entry of the order. The motion was seconded and carried unanimously.

**Kristy Augustinowicz, LPN 0002-072195**

Ms. Augustinowicz did not appear.

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

**Crystal Deane Bell, LPN 0002-068111**

Ms. Bell did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against Crystal Bell contingent upon her continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

**Susan Anderson, RN 0001-160724**

Ms. Anderson did not appear.

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

**Vicki Overby, RN 0001-115716**

Ms. Overby did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the registered nurse license of Vicki Overby until such time as she can appear before the Board and demonstrate that she is capable of resuming safe and competent professional nursing practice. The motion was seconded and carried unanimously.

**Lindsay Middleton, RN 0001-179535**

Ms. Middleton did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of Lindsay Middleton, with said suspension stayed contingent upon her entry into and continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

**Donna Naoroz, RN 0001-222442**

Ms. Naoroz did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of Donna Naoroz, with said suspension stayed contingent upon her entry into the Health Practitioners Monitoring Program and her continued compliance thereafter. The motion was seconded and carried unanimously.

**Jessica Bylan, LPN 0002-079006**

Ms. Bylan did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nurse license of Jessica Bylan until such time as she can appear before the Board and demonstrate that she is capable of resuming safe and competent nursing practice. The motion was seconded and carried unanimously.

**Candace McNeil, LPN 0002-069483**

Ms. McNeil did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nurse license of Candace McNeil for 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.

**Melissa Stanley, CNA 1401-057423**

Ms. Stanley did not appear.

Ms. Lane moved that the Board of Nursing modify the recommended decision of the agency subordinate to issue an order to indefinitely suspend the nurse aide certificate of Melissa Stanley until such time as she can demonstrate she is safe and competent to resume practice.

The motion was seconded and carried unanimously.

**Jane P. Fitzgerald, LPN 0002-017290**

Ms. Fitzgerald did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Jane Fitzgerald, and further indefinitely suspend the right to renew the practical nurse license of Ms. Fitzgerald until such time as she is able to demonstrate that she can resume the safe and competent practice of practical nursing. The motion was seconded and carried unanimously.

**Patricia H. Newman, RN 0001-147379**

Ms. Newman did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of Patricia Newman until such time as she can demonstrate that she can resume the safe and competent practice of professional nursing. The motion was seconded and carried. Ms. Holmes, Dr. Schultz, Ms. Jones-Clarke, Dr. Selig, Ms. Minton, Ms. Hartz and Mr. Traynham were in favor of the motion. Ms. Lane and Mr. Horn opposed the motion.

**Kelly Gayne, RN 0001-158556**

Ms. Gayne did not appear.

Ms. Holmes moved that the Board of Nursing modify the recommended decision of the agency subordinate to reprimand Kelly Gayne and require a \$250 monetary penalty to be paid within 30 days of entry of the order. The motion was seconded and carried unanimously.

**Shari Knight, RN 0001-129375**

Ms. Knight did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of Shari Knight for not less than two years and until such time as she can

demonstrate she is safe and competent to resume professional nursing practice. The motion was seconded and carried unanimously.

**Brooke Fitzgerald, RN 0001-226450**

Ms. Fitzgerald did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to require Brooke Fitzgerald undergo a chemical dependency/mental health evaluation by a specialist acceptable to the Board within 60 days of entry of the order, after which the Board may require another proceeding for final disposition of the matter. The motion was seconded and carried unanimously.

**Blair E. Robertson, RN 0001-196741**

Ms. Robertson did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of Blair Robertson for a period of not less than one year and until such time as she can demonstrate she is safe and competent to resume professional nursing practice. The motion was seconded and carried unanimously.

**Tamela J. Nunley, LPN 0002-063420**

Ms. Nunley did not appear.

Ms. Hartz moved that the Board of Nursing modify the recommended decision of the agency subordinate to issue an order of reprimand to Tamela Nunley, in addition to ordering Ms. Nunley complete the National Council of State Boards of Nursing online courses “Documentation: A Critical Aspect of Client Care” and “Professional Accountability and Legal Liability for Nurses” within 30 days of entry of the order. The motion was seconded and carried unanimously.

**Samantha Neal, CNA 1401-135979**

Ms. Neal did not appear.

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

**Barbara Fowlkes, CNA 1401-021821; RMA 0031-001813**

Ms. Fowlkes did not appear.

Ms. Hartz moved that the Board of Nursing modify the recommended decision of the agency subordinate to revoke the nurse aide certificate of Barbara Fowlkes and enter a finding of misappropriation of patient property against her in the Virginia Nurse Aide Registry, and further, to revoke the medication aide registration of Barbara Fowlkes. The motion was seconded and carried unanimously.

**Christina Brown, RN 0001-166398**

Ms. Brown did not appear.

Dr. Schultz moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of Christina Brown until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to resume practice. The motion was seconded and carried unanimously.

**Rebecca Hamilton, LPN 0002-056341**

Ms. Hamilton did not appear.

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

RECESS: The Board recessed at 10:35 A.M.

RECONVENTION: The Board reconvened at 11:00 A.M.

**DISCUSSION OF PROCESS OF NOMINATIONS FOR OFFICERS OF THE BOARD OF NURSING:**

Ms. Gregory, Dr. Hahn, Dr. Ingalls and Ms. Lindsay joined the meeting.

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 11:00 A.M. for consultation with the provision of legal advice by the Assistant Attorney General in the matter of the process of nominations for officers of the Board of Nursing. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Mitchell, 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 11:29 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.

ACTION: As a result of Board Member discussion, Dr. Selig offered Board members the opportunity to conduct the elections again at this time; however no Board members expressed the need to do so.

Ms. Douglas suggested to include a standard order of election of officers in the bylaws. Board members agreed and an ad-hoc Bylaws Committee will meet in March 2012 to begin working on this. Members of the Committee include Ms. Lindsay, Dr. Ingalls and Mr. Traynham.

ADJOURNMENT: The Board adjourned at 11:35 A.M.

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Jodi P. Power, RN, JD  
Deputy Executive Director

**VIRGINIA BOARD OF NURSING**  
**Formal Hearings**  
**January 25, 2012**  
**Panel – A**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:42 A.M. on January 25, 2012 in Training Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS  
PRESENT: Patricia M. Selig, RN, FNP, PhD; Chairperson  
Allison Gregory, RN, LNP  
Louise D. Hartz, Citizen Member  
John M. Horn, LPN  
Florence Jones-Clarke, RN, MS  
Patricia C. Lane, RN, BSN

STAFF PRESENT: Jay P. Douglas, RN, MSM, CSAC, Executive Director  
Jodi P. Power, RN, JD, Deputy Executive Director  
Krystal Blanton, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General

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

FORMAL HEARINGS: **Jackie Fiddler, LPN 0002-037033**  
Ms. Fiddler appeared, accompanied by her daughter, Rebecca Angel.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Sherelle Bradley, court reporter, recorded the proceedings.

Sharon Squires, Senior Investigator, Department of Health Professions; and Rebecca Angel, CNA (respondent's daughter) 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 12:54 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Fiddler. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Power, Ms. Blanton and Ms. Mitchell 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. 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. Exterovich and amended by the Board.

The motion was seconded and carried unanimously.

**ACTION:**

Ms. Hartz moved that the Board of Nursing issue an order of reprimand to Jackie Fiddler.

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:**

**Jamie Waugh, CNA 1401-106389**

Ms. Waugh did not appear.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Sherelle Bradley, court reporter, recorded the proceedings.

Tonya James, Compliance Manager, Board of Nursing 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 1:20 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Waugh. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Power, Ms. Blanton and Ms. Mitchell 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 1:26 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. Exterovich and amended by the Board.

The motion was seconded and carried unanimously.

**ACTION:**

Ms. Lane moved that the Board of Nursing issue an order of reprimand to Jamie Waugh and further indefinitely suspend the nurse aide certificate of Ms. Waugh until such time as she can appear before the Board and demonstrate she is safe and competent to resume nurse aide 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: **Catherine Roscoe, RN 0001-129823**  
Ms. Roscoe appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Sherelle Bradley, court reporter, recorded the proceedings.

Helene Kelly, Senior Investigator, Department of Health Professions; and Chris Bowers, Case Manager, Health Practitioner's Monitoring Program 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 3:09 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Roscoe. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Power, Ms. Blanton and Ms. Mitchell 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 3:25 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: Ms. Hartz moved that the Board of Nursing indefinitely suspend the registered nurse license of Catherine Roscoe and stay the suspension contingent upon Ms. Roscoe's continued compliance with the Health Practitioner's Monitoring Program.

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: **Mathew J. Siegfried, LPN 0002-076230**  
Mr. Siegfried appeared, accompanied by his father, Dennis Siegfried.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Sherelle Bradley, court reporter, recorded the proceedings.

Denise Sexton, Senior Investigator, Department of Health Professions; Mary Ellen Britts, RN, Director of Nursing, Ridgewood Gardens; Rebecca Crowder, Director of Nursing, Springtree Health and Rehab Center were present and testified. Robin Mumpower, Director of Nursing, Avante of Roanoke, testified by telephone.

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 5:23 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Siegfried. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Power, Ms. Blanton and Ms. Mitchell 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 6:08 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: Ms. Gregory moved that the Board of Nursing place Matthew Siegfried on indefinite probation with terms and conditions for a period of not less than one year of nursing employment. 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 6:10 P.M.

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Jodi P. Power, RN, JD  
Deputy Executive Director

**VIRGINIA BOARD OF NURSING**  
**Formal Hearings**  
**January 25, 2012**  
**Panel – B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:40 A.M. on January 25, 2012 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS  
PRESENT:

Joyce A. Hahn, PhD, APRN, NEA-BC; Chairperson  
Evelyn Lindsay, LPN  
Jeanne Holmes, Citizen Member  
Jane R. Ingalls, RN, CNS, PhD  
Trula Minton, MS, RN  
Karen K. Schultz, PhD, MBA, Citizen Member  
William Traynham, LPN

STAFF PRESENT:

Jay P. Douglas, RN, MSM, CSAC; Executive Director (joined later)  
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director  
Jane Elliott, RN, PhD, Discipline Staff  
Amy Davis, Executive Assistant

OTHERS PRESENT:

Howard Casway, Senior Assistant Attorney General

ESTABLISHMENT OF  
A QUORUM:

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

FORMAL HEARINGS:

**Marcia L. McNelly, RN Reinstatement Applicant 0001-102464**  
Ms. McNelly appeared, represented by attorney, Mary Beth Sherwin.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Comiller Boyd, 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 12:11 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. McNelly. Additionally, Ms. Lindsay moved that Ms. Mitchell, 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 12:24 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. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount and amended by the Board.

The motion was seconded and carried unanimously.

**ACTION:**

Ms. Holmes moved that the Board of Nursing reinstate the registered nurse license of Marcia McNelly without restrictions.

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:**

**Tina A. Wood, CNA 1401-010676**

Ms. Wood did not appear.

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

Andria Christian, Senior Investigator, Department of Health Profession; and Chris Bowers, Case Manager, Health Practitioner's 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 12:50 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wood. Additionally, Ms. Lindsay moved that Ms. Mitchell, 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 12:56 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. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones.

The motion was seconded and carried unanimously.

**ACTION:** Ms. Lindsay moved that the Board of Nursing revoke the right to renew the nurse aide certificate of Tina Wood. 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 12:57 P.M.

**RECONVENTION:** The Board reconvened at 1:38 P.M.

**FORMAL HEARINGS:** **Theshema C. Davis, LPN Reinstatement Applicant 0002-063622**  
Ms. Davis appeared, accompanied by her mentor, Vanessa Patterson.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Comiller Boyd, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions; and Vanessa Patterson 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 2:34 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Davis. Additionally, Ms. Lindsay moved that Ms. Mitchell, Dr. Elliott, Ms. A. 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 2:57 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. Ingalls moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount and amended by the Board. The motion was seconded and carried unanimously.

**ACTION:** Ms. Lindsay moved that the Board of Nursing deny the application for reinstatement of practical nurse license of Theshema Davis, continue on indefinite suspension, stay the suspension contingent upon her continued compliance with the Health Practitioner’s Monitoring Program. 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: **Faith Garnett, CNA 1401-115782**

Ms. Garnett appeared.

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

Patricia Harte-Byers, Senior Investigator, Department of Health Professions; Shirleene Williams, LPN, Consulate Healthcare of Windsor; and Robin Worrell, LPN, Consulate Healthcare of Windsor.

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 4:12 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Garnett. Additionally, Ms. Lindsay moved that Ms. Mitchell, 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 4:51 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. Ingalls 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. Traynham moved that the Board of Nursing issue an order of reprimand to Faith Garnett and further order her to complete an anger management course within 60 days of entry of the order. The motion was seconded and carried. Dr. Ingalls, Ms. Holmes, Ms. Lindsay, Ms. Minton and Mr. Traynham were in favor of the motion. Dr. Hahn and Dr. Schultz 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: **Patricia Hass, RMA 0031-004233**

Ms. Hass did not appear.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Comiller Boyd, court reporter, recorded the proceedings.

Rachel Shaw, Senior Investigator, Department of Health Professions; and Sylvia Anderson, Department of Social Services Inspector; 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 5:32 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hass. Additionally, Ms. Lindsay moved that Ms. Mitchell, 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 5:37 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. Ingalls moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount. The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing revoke the medication aide registration of Patricia Hass. 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 joined the meeting, Dr. Elliott left the meeting.

FORMAL HEARINGS: **Mardonio C. Sapalicio, RN Reinstatement Applicant 0001-166852**  
Mr. Sapalicio appeared, represented by attorney, John Stepanovich.

Corie Tilman Wolf, Assistant Attorney General; and Amanda Blount, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Comiller Boyd, 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)(7) of the *Code of Virginia* at 6:36 P.M., for consultation with and the provision of legal advice by the Senior Assistant Attorney General in the matter of Mr. Sapalicio. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, 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.

Ms. Davis left the meeting.

RECONVENTION: The Board reconvened in open session at 7:30 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. Davis re-joined the meeting.

Patient A; J. Chris Reynolds, MD; Sallie Chappell, RN, Recovery Room Nurse, Chowan Hospital; Caitlin Williams, RN, Albemarle Hospital; and Derek Barnes, X-ray Tech, Healthtronics; were present and testified.

RECESS: The Board recessed at 9:20 P.M.

RECONVENTION: The Board reconvened at 9:50 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 12:03 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Sapalicio. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, 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 12:16 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.

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

The motion was seconded and carried unanimously.

ACTION: Mr. Traynham moved that the Board of Nursing reinstate the registered nurse license of Mardonio Sapalicio and issue a valid in Virginia only license. 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 12:18 A.M.

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Gloria D. Mitchell, RN, MSN, MBA  
Deputy Executive Director