

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 14, 2012**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:07 A.M. on May 14, 2012 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:** Evelyn Lindsay, LPN; Chairperson
John M. Horn, LPN
Florence Jones-Clark, RN, MS
Trula Minton, MS, RN
William Traynham, LPN, CSAC

STAFF PRESENT: Brenda Krohn, RN, MS; 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
Nursing students from Suffolk Public Schools and Fortis College

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

FORMAL HEARINGS: **Christina Brown, RN 0001-166398**
Ms. Brown appeared, represented by attorney, Courtney Williams.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Mary Treta, court reporter, recorded the proceedings.

Kelly Ashley, Senior Investigator, Department of Health Professions; Kimberly Maxwell, Medication Aide Instructor; Mahogany Anthony, Student Admission Assistant; Azuradee Lindsey, Admission Administrator were present and testified. Antonio Williams, Admission Administrator, Community Memory Care testified by telephone.

CLOSED MEETING: Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:33 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Brown. Additionally, Ms. Minton 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 11:50 A.M.

Ms. Minton 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 dismiss the case regarding Christina Brown due to insufficient evidence. The motion was seconded and carried unanimously.

FORMAL HEARINGS: **Amy Wellborn, RN 0001-140352**
Ms. Wellborn did not appear.

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

Naima Fellers, Senior Investigator, Department of Health Professions; Sarah M. Parris, RN, MSN; and Amy Stewart, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wellborn. Additionally, Ms. Minton 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 12:29 P.M.

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

The motion was seconded and carried unanimously.

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

The motion was seconded and carried unanimously.

ACTION: Mr. Traynham moved that the Board of Nursing indefinitely suspend the registered nurse license of Amy Wellborn, stay the suspension contingent upon her entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners 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: **Rachel M. Kone, RN 0001-172214**
Ms. Kone did not appear.

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

Pallavi Lele, Senior Investigator, Department of Health Professions; Sheila Miller, RN; and Tonya James, Compliance Manager, Board of Virginia were present and testified.

CLOSED MEETING: Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:03 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kone. Additionally, Ms. Minton 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 1:17 P.M.

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

The motion was seconded and carried unanimously.

Mr. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie 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 or reprimand and indefinitely suspend the registered nurse license of Rachel Kone 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.

RECESS: The Board recessed at 1:20 P.M.

RECONVENTION: The Board reconvened at 2:05 P.M.

FORMAL HEARINGS: **Ann M. Spaine, LPN 0002-069054**

Ms. Spaine appeared, represented by attorney Kate Fitzgerald; and accompanied by her husband Mr. Spaine.

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

Jay Douglas, Executive Director, Board of Nursing was present and testified.

CLOSED MEETING:

Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:41 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Spaine. Additionally, Ms. Minton moved that 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 3:11 P.M.

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

The motion was seconded and carried unanimously.

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

The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved that the Board of Nursing deny the appeal as Ms. Spaine does not meet the eligibility requirements and expire the practical nurse license of Ann Spaine. 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:

Rebecca L. Mullins, RN 0001-204452

Ms. Mullins did not appear.

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

Jennifer Baker, Regional Enforcement Manager, Department of Health Professions; and Dawn France, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING:

Ms. Minton 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. Mullins. Additionally, Ms.

Minton 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 3:43 P.M.

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

The motion was seconded and carried unanimously.

Mr. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines.

The motion was seconded and carried unanimously.

ACTION:

Ms. Jones-Clarke moved that the Board of Nursing indefinitely suspend the registered nurse license of Rebecca Mullins for a period of not less than one year and issue an order of reprimand. 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:

Rhonda L. Mays LPN 0002-038047

Ms. Mays did not appear.

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

Naima Fellers, Senior Investigator, Department of Health Professions; and Cathy Ward, Case Manager, Health Practitioners Monitoring Program were present and testified. Dorothy Bainter, RN, Director of Nursing testified by telephone.

CLOSED MEETING:

Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:19 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Mays. Additionally, Ms. Minton moved that 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 4:24 P.M.

Ms. Minton 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. Jones-Clarke 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:

Mr. Horn moved that the Board of Nursing indefinitely suspend the practical nurse license of Rhonda Mays, stay the suspension contingent upon a signed recovery monitoring contract with the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners 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.

ADJOURNMENT:

The Board adjourned at 4:26 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director