

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 14, 2014**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:02 A.M. on July 14, 2014 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; Vice President
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
Evelyn Lindsay, LPN
William Traynham, LPN, CSAC

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Nursing students from Fortis College, PN and RN students

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

FORMAL HEARINGS: **Lethia Baum, RN Reinstatement Applicant 0001-062416**
Ms. Baum appeared, represented by Nathan Mortier, attorney

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions; and Dr. Jeffery Powell, Chesapeake Regional Medical Center were present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(15) of the *Code of Virginia* at 9:32 A.M., for the purpose of consideration and discussion of medical and mental health records of Ms. Baum that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. C. 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 9:56 A.M.

Ms. Holmes 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.

RECESS: The Board recessed at 9:57 A.M.

RECONVENTION: The Board reconvened at 10:00 A.M.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:53 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Baum. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. C. 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 11:07 A.M.

Ms. Holmes 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. Hershkowitz 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 issue a reprimand to Lethia Baum, and to reinstate her to practice as a registered nurse with a valid in Virginia only license. The motion was seconded 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: **Hayley Troth, LPN 0002-086410**
Ms. Troth did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt court reporter with Crane Snead Reporting, recorded the proceedings.

Jeremy McNeill, Senior Investigator, Department of Health Professions; and Lynette Dodd were present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:35 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Troth. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. C. 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 11:40 A.M.

Ms. Holmes 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. Hershkowitz 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: Mr. Traynham moved that the Board of Nursing indefinitely suspend the license of Hayley Troth until such time as she can appear before the Board and prove 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: **Lei A. Claiborne, LPN 0002-060682**
Ms. Claiborne did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Ashley Moran, Senior Investigator, Department of Health Professions; and Elizabeth Kamborian, RN, Ashland Nursing and Rehab Center were present and testified. Susan J. Roberts, RN testified by telephone.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:31 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Claiborne. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. C. 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 12:40 P.M.

Ms. Holmes 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. Traynham 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 indefinitely suspend the right to renew the practical nursing license of Lei Claiborne until such time as she can appear before the Board and provide sufficient evidence she is safe and competent to resume nursing 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 12:41 P.M.

RECONVENTION:

The Board reconvened at 1:30 P.M.

FORMAL HEARINGS:

Kimberly A. Anderson, RN Reinstatement Applicant 0001-242376

Ms. Anderson appeared.

Jan Willis, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Tonya James, Compliance Case Manager, Board of Nursing; and Kevin Almeida, Senior Investigator, Department of Health Professions; were present and testified.

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:23 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Anderson. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. C. 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 2:46 P.M.

Ms. Holmes 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. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Willis and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Hershkowitz moved that the Board of Nursing reinstate the registered nursing license of Kimberly Anderson to be valid in Virginia only, place Ms. Anderson on probation with terms for two years of active practice and to issue a 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:

Paula High, RN 0001-188504

Ms. High appeared.

Wendy Deaner, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Patricia Harte-Byers, Senior Investigator, Department of Health Professions and Vicky Fox, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:03 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. High. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. C. 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 4:22 P.M.

Ms. Holmes 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. Hershkowitz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Deaner and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing reinstate the license of Paula High, indefinitely suspend the license of Ms. High, but stay the suspension contingent upon Ms. High'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:

Sarah Cleveland Waite, RN 0001-204019

Ms. Waite appeared.

Jan Willis, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Sherry Foster, RN, Senior Investigator, Department of Health Professions; Rebecca Britt, Case Manager, Health Practitioners Monitoring Program; Downing Miller, Licensed Substance Abuse Treatment Provider; and Jane Franklin, Sponsor; were present and testified.

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:37 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Waite. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. C. 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 5:51 P.M.

Ms. Holmes 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. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Willis and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hershkowitz moved that the Board of Nursing indefinitely suspend the registered nursing license of Sarah Waite until such time as she can appear before the Board and prove 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 5:55 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director