

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
June 2, 2014**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on June 2, 2014 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Trula Minton, MS. RN; Chairperson
Guia Caliwagan, RN, MAN
Louise D. Hartz, Citizen Member
Louise Hershkowitz, CRNA, MSHA
William Traynham, LPN, CSAC

STAFF PRESENT: Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General

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

FORMAL HEARINGS: **Victoria Mann, RN 0001-191990**
Ms. Mann appeared.

David Kazzie, 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.

Kelly Ashley, Senior Investigator, Department of Health Professions; and Kimberli Myrick Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:41 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Mann. Additionally, Ms. Caliwagan moved that Ms. G. Mitchell, Ms. Krohn, Ms. Graham 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 9:51 A.M.

Ms. Caliwagan 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 Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hershkowitz moved that the Board of Nursing reprimand Victoria Mann and continue her professional nursing license on indefinite suspension, but stay the suspension contingent upon her re-entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the 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:

Melinda L. Hayes, RN 0001-156621

Ms. Hayes did not appear.

Amanda Blount, 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 Sheehan, Senior Investigator, Department of Health Professions; and Kelly Ashley, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:21 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Haynes. Additionally, Ms. Caliwagan moved that Ms. G. Mitchell, Ms. Krohn, Ms. Graham 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 10:32 A.M.

Ms. Caliwagan 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. Blount and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hartz moved that the Board of Nursing reprimand Melinda Hayes and continue the professional nursing license of Ms. Hayes on indefinite suspension for not less than two years and until such time as she can appear before the Board and demonstrate she is safe and competent to practice. The motion was seconded and carried. Ms. Minton, Ms. Caliwagan, Ms. Hartz and Ms. Hershkowitz were in favor of the motion. Mr. Traynham 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:

Samantha Edwards, CNA 1401-130801

Ms. Edwards appeared, accompanied by James Epperly.

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.

James Epperly, friend of Ms. Edwards was present and testified.

CLOSED MEETING:

Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:41 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Edwards. Additionally, Ms. Caliwagan moved that Ms. G. Mitchell, Ms. Krohn, Ms. Graham 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 12:09 P.M.

Ms. Caliwagan 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 and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hershkowitz moved that the Board of Nursing place Samantha Edwards on probation for a period of not less than two years of active employment as a certified nurse aide with terms and conditions. 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 12:10 P.M.

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

FORMAL HEARINGS: **Sylvester Britt, RN Reinstatement Applicant 0001-072640**
Mr. Britt appeared.

Tammie Jones 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.

CLOSED MEETING: Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:50 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Britt. Additionally, Ms. Caliwagan moved that Ms. G. Mitchell, Ms. Krohn, Ms. Graham 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 2:07 P.M.

Ms. Caliwagan 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 and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Traynham moved that the Board of Nursing reprimand Sylvester Britt and reinstate the professional nursing license of Mr. Britt. The motion was seconded and carried. Ms. Minton, Ms. Caliwagan, Ms. Hershkowitz and Mr. Traynham 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: **Stephen W. Cullers, RN 0001-150134**
Mr. Cullers did not appear.

Anne Jones, 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.

Tonya James, Compliance Manager, Board of Nursing was present and testified.

CLOSED MEETING: Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:48 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Cullers. Additionally, Ms. Caliwagan moved that Ms. G. Mitchell, Ms. Krohn, Ms. Graham 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 2:55 P.M.

Ms. Caliwagan 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. Joseph.
The motion was seconded and carried unanimously.

ACTION: Ms. Hershkowitz moved that the Board of Nursing deny releasing Stephen Cullers from probation, issue an order of reprimand and indefinitely suspend the professional nursing license of Mr. Cullers 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 3:00 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director