

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 26, 2015**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on January 26, 2015 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; Vice President
Joana Garcia, Citizen Member
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
William Traynham, LPN, CSAC
Michael Vines, CMT Advisory Board Member (joined later)

STAFF PRESENT:

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

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General
Nurse aide students from Hanover County Public Schools and nursing students from John Tyler Community College – Midlothian Campus

ESTABLISHMENT OF A QUORUM:

With five members of the Board present, a panel was established.

FORMAL HEARINGS:

Dorothy Anderton, RN 0001-062713
Ms. Anderton did not appear.

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

Kimberly Myrick, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:20 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Anderton. Additionally, Mr. Traynham moved that Ms. Krohn, Ms. Mitchell-Lively, Ms. Graham 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 9:26 A.M.

Mr. Traynham 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:

Ms. Holmes moved that the Board of Nursing reprimand Dorothy Anderton and to continue her license on indefinite suspension 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.

FORMAL HEARINGS:

Lillian Reinhard, RN 0001-062430

Ms. Reinhard appeared, represented by Irving Blank, Esquire.

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

Ashley Moran, Senior Investigator, Department of Health Professions; Claire Decker, RN, Glenburnie Rehabilitation and Nursing Center; Louise Kozak, RN, Glenburnie Rehabilitation and Nursing Center; and Allison Bartholomew, RN, Director of Nursing, Glenburnie Rehabilitation and Nursing Center were present and testified.

CLOSED MEETING:

Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:01 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Reinhard. Additionally, Mr. Traynham moved that Ms. Krohn, Ms. Graham 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 11:18 A.M.

Mr. Traynham 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:

Ms. Holmes moved that the Board of Nursing dismiss the case in the matter of Lillian Reinhard. The motion was seconded and carried. Ms. Garcia, Ms.

Hershkowitz, Ms. Holmes, and Mr. Traynham were in favor of the motion. Dr. Hahn 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: **Nicole M. Angelo, RN Applicant; LPN Reinstatement Applicant 0002-081615; CNA Reinstatement Applicant 1401-089781**

Ms. Angelo appeared, accompanied by her mother.

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

Sharon Squires, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:46 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Angelo. Additionally, Mr. Traynham moved that Ms. Krohn, Ms. Mitchell-Lively, Ms. Graham 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 11:55 A.M.

Mr. Traynham 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. Holmes 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 approve the application of Nicole Angelo for licensure by exam as a registered nurse and to reinstate the practical nursing license and the nurse aide certificate of Ms. Angelo. 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. Vines joined the meeting.

FORMAL HEARINGS: **Kelvin Thai, CMT Reinstatement Applicant 0019-012184**
Mr. Thai appeared, accompanied by friend and client, Helen Winn.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane Snead Reporting, recorded the proceedings.

Helen Winn was present and testified.

CLOSED MEETING:

Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:55 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Thai. Additionally, Mr. Traynham moved that Ms. Krohn, Ms. Mitchell-Lively, Ms. Graham 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 2:11 P.M.

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

ACTION:

Mr. Vines moved that the Board of Nursing deny the application of Kelvin Thai for certification as a massage therapist. 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:

Wayne M. Smith, CMT Applicant

Mr. Smith did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane Snead Reporting, recorded the proceedings.

CLOSED MEETING:

Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:30 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Smith. Additionally, Ms. Garcia moved that Ms. Krohn, Ms. Mitchell-Lively, Ms. Graham 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 2:40 P.M.

Ms. Garcia 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 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:

Mr. Vines moved that the Board of Nursing approve the application for reinstatement of the massage therapy certificate of Wayne Smith. The motion was seconded and carried. Dr. Hahn, Ms. Garcia, Ms. Hershkowitz and Ms. Holmes 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.

ADJOURNMENT:

The Board adjourned at 2:44 P.M.

Brenda Krohn, MS, RN
Deputy Executive Director