

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 29, 2018**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:30 A.M. on January 29, 2018 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; President
Laura F. Cei, BS, LPN, CCRP
Margaret J. Friedenberg, Citizen Member
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Mark Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Dustin S. Ross, DNP, MBA, RN, NE-BC

STAFF PRESENT:

Brenda Krohn, RN, MS; Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Darlene Graham, Senior Discipline Specialist
Jay P. Douglas, MSN, RN, CSAC, FRE; Executive Director – **joined at 2:19 P.M.**
Lisa Spellar-Davis, BSN, RN, Policy Assistant – **joined at 2:19 P.M.**

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
PN and Senior students from Rappahannock Community College

ESTABLISHMENT OF A PANEL:

With seven members of the Board present, a panel was established

FORMAL HEARINGS:

Joyce Blondell Howard Thomas, CNA 1401-062269
Ms. Thomas appeared accompanied by a friend.

David Kazzie, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Theresa Pata, court reporter with Crane-Snead & Associates, recorded the proceedings.

Meghan Wingate, Senior Investigator, Department of Health Professions, and Rebecca Britt, Case Manager, Virginia Health Practitioners' Monitoring Program (HPMP), testified via telephone.

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:14 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Thomas. Additionally, Mr. Monson moved that Ms. Krohn, Dr. Hills, 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 10:28 A.M.

Ms. Phelps 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. Ross 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. Monson moved the Board of Nursing continue Joyce Blondell Howard Thomas on indefinite suspension with suspension stayed contingent upon Ms. Thomas' re-entry and continued compliance with the Virginia Health Practitioners' Monitoring Program (HPMP). 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: **Misty Lynn Little, LPN 0002-054548**
Ms. Little appeared.

David Kazzie, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Theresa Pata, court reporter with Crane-Snead & Associates, recorded the proceedings.

Mariam McLean, Senior Investigator, Department of Health Professions, and Tonya James, Compliance Case Manager, Board of Nursing, were present and testified.

CLOSED MEETING: Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:56 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Little. Additionally, Mr. Monson moved that Ms. Krohn, Dr. Hills, 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 12:18 P.M.

Ms. Friedenberg 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. Cei 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. Monson moved that the Board of Nursing reprimand Misty Lynn Little and deny the application for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia. The motion was seconded and passed 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:

Teresa G. Phillippi, LPN **0002-074401**
Ms. Phillippi appeared.

Steve Bulger, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Theresa Pata, court reporter with Crane-Snead & Associates, recorded the proceedings.

Joyce Johnson, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:12 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Phillippi. Additionally, Mr. Monson moved that Ms. Krohn, Dr. Hills, 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 1:33 P.M.

Ms. Friedenberg 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. McQueen-Gibson moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bulger, and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Monson moved that the Board of Nursing approve the application for reinstatement of Teresa G. Phillippi's license to practice practical nursing in the Commonwealth of Virginia contingent upon proof of completion of 30 hours of CEUs and proof of entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP). 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. Krohn left the meeting at 1:40 P.M.

RECESS: The Board recessed at 1:40 P.M.

RECONVENTION: The Board reconvened at 2:10 P.M.

Ms. Douglas and Ms. Spellar-Davis joined the meeting at 2:19 P.M.

FORMAL HEARINGS: **Linda Lenell Patterson, LPN 0002-055982**
Ms. Patterson appeared represented by Margaret Hardy, legal counsel, and accompanied by Barbara J. Ragsdale, Ronnie Patterson, Jr., Estelle Burfict, Cartileus Travis, and Ulysses Jones.

Steve Bulger, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Theresa Pata, court reporter with Crane-Snead & Associates, recorded the proceedings.

Debra Hay-Pierce, Senior Investigator, Department of Health Professions, Madonna Stewart, Daughter of Patient at Epiphany Assisted Living Facility, Barbara J. Ragsdale, Ronnie Patterson, Jr., Estelle Burfict, Cartileus Travis, and Ulysses Jones, were present and testified.

Ms. Cei left the meeting before the closed meeting.

Ms. Spellar-Davis left the meeting at 5:30 P.M.

CLOSED MEETING: Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:31 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Patterson. Additionally, Mr. Monson moved that Ms. Douglas, Dr. Hills, 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 6:42 P.M.

Ms. Friedenberg 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. McQueen-Gibson moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bulger, and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Phelps moved that the Board of Nursing indefinitely suspend the license of Linda Lenell Patterson to practice practical nursing in the Commonwealth of Virginia for a period of not less than one (1) year. The motion was seconded and passed 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. Cei rejoined the meeting at 6:55 P.M.

FORMAL HEARINGS:

Carmel Snyder, CNA 1401-173951
and
Brittany Johnson, CNA 1401-167480

Ms. Snyder and Ms. Johnson appeared represented by Edward Riley and Douglas White, legal counsel.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Theresa Pata, court reporter with Crane-Snead & Associates, recorded the proceedings.

Mr. Riley presented a proposal for settlement to the Board in lieu of formal hearing.

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 7:10 P.M., for consultant with Board Counsel and consideration of proposal for settlement in the matters of Ms. Snyder and Ms. Johnson. Additionally, Mr. Monson moved that Ms. Douglas, Dr. Hills, 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 7:22 P.M.

Ms. Friedenberg 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. Hahn moved that the Board of Nursing accept the proposed settlement in lieu of formal hearing, issue a reprimand, and impose a monetary penalty of \$250.00 to be paid to the Board within 90 days from entry of the Board Orders for both Ms. Snyder and Ms. Johnson. The motion was seconded and passed 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 7:20 P.M.

Robin Hills, DNP, RN, WHNP
Deputy Executive Director for Advanced Practice