

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
November 15, 2018  
Panel - A**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:10 A.M. on November 15, 2018 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

Louise Hershkowitz, CRNA, MSHA, President  
Margaret Friedenber. Citizen Member  
Dixie L. McElfresh, LPN  
Ethlyn McQueen-Gibson, DNP, MSB, RN, BC  
Grace Thapa, DNP, FNP-BC, AE-C

**STAFF PRESENT:**

Jodi P. Power, RN, JD; Senior Deputy Executive Director  
Charlette Ridout, RN, MS, CNE; Deputy Executive Director - **joined at 10:33 A.M.**  
Darlene Graham, Senior Discipline Specialist

**OTHERS PRESENT:**

Charis Mitchell, Assistant Attorney General, Board Counsel  
Senior Nursing Students from South University  
Senior Nursing Students from Riverside College of Health Careers  
Nurse Aide Students from Park View High School

**ESTABLISHMENT OF A PANEL:**

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

**FORMAL HEARINGS:**

**Ann Maria-Bracena Ellis, CNA, RMA 1401-116805 0031-004098**  
Ms. Ellis did not appear.

Holly Woodcock, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Cherryl Maddox, court reporter with Cherryl Maddox Reporting, recorded the proceedings.

Stephanie Fried, Senior Investigator, Department of Health Professions, was present and testified. Dwayne Cromer, Senior Investigator, Department of Health Professions, testified via telephone.

**CLOSED MEETING:**

Dr. Thapa moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:52 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Ellis. Additionally, Dr. Thapa moved that Ms. Power, Ms. Graham and Ms. Mitchell 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 10:33 A.M.



Dr. Thapa 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 Ms. Woodcock and amended by the Board. The motion was seconded and carried unanimously.

**ACTION:** Ms. McElfresh moved that the Board of Nursing revoke the certificate of Tabitha Mae Marchese Harper to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Misappropriation of Patient Property against her in the Virginia Nurse Aide Registry. 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 11:35 A.M.

**RECONVENTION:** The Board reconvened at 11:50 P.M.

**FORMAL HEARINGS:** **Emily F. Marshman, RN** **0001-194744**  
Ms. Marshman appeared and was accompanied by her therapist, Rob Martin, LCSW, CSAC.

Cynthia Gaines, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Cherryl Maddox, court reporter with Cherryl Maddox Reporting, recorded the proceedings.

Amy Stewart, Health Practitioners' Monitoring Program (HPMP) Case Manager, and Rob Martin, LCSW, CSAC, were present and testified.

**CLOSED MEETING:** Dr. Thapa moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:42 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Marshman. Additionally, Dr. Thapa moved that Ms. Power, Ms. Ridout, 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 1:10 P.M.

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

ACTION: Ms. McElfresh moved that the Board of Nursing reprimand Emily F. Marshaman and continue her license to practice professional nursing in the Commonwealth of Virginia on indefinite suspension with suspension stayed contingent upon her re-entry into the Health Practitioners' Monitoring Program (HPMP) and continued compliance with terms and conditions of HPMP for the period specified by 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.

RECESS: The Board recessed at 1:15 P.M.

Ms. Ridout left the meeting at 1:15 P.M.

RECONVENTION: The Board reconvened at 2:00 P.M.

FORMAL HEARINGS: **Lynn Hensley Owen, RMA** **0031-004910**  
Ms. Owen did not appear.

David Kazzie, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Cheryl Maddox, court reporter with Cheryl Maddox Reporting, recorded the proceedings.

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

CLOSED MEETING: Dr. Thapa moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:28 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Owen.

Additionally, Dr. Thapa moved that Ms. Power, 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 3:08 P.M.

Ms. Ridout rejoined the meeting at 3:08 P.M.

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

**ACTION:** Dr. Thapa moved that the Board of Nursing deny the application of Lynn Hensley Owen for reinstatement of her registration to practice as medication aide in the Commonwealth of Virginia. The motion was seconded and passed with three votes in favor of the motion. Dr. McQueen-Gibson opposed the motion. Ms. Friedenberg abstained.

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 3:10 P.M.

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Jodi P. Power, RN, JD  
Senior Deputy Executive Director

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
November 15, 2018  
Panel – B**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:06 A.M. on November 15, 2018 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

Jennifer Phelps, BS, LPN, QMHPA; First Vice President  
Marie Gerardo, MS, RN, ANP-BC; Second Vice President  
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP, FAAN  
Trula Minton, MS, RN  
Mark D. Monson, Citizen Member  
Meenakshi Shah, BA, RN

**STAFF PRESENT:** Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice  
Jane Elliott, RN, PhD; Discipline Staff  
Sylvia Tamayo-Suijk, Discipline Team Coordinator

**OTHERS PRESENT:** Erin Barrett, Assistant Attorney General, Board Counsel

**ESTABLISHMENT OF A PANEL:**

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

**FORMAL HEARINGS:** **Roger Dale Walker, RN** **0001-177510**  
Mr. Walker appeared.

Anne Joseph, Deputy Director for the Administrative Proceedings Division, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Andrea Pegram, court reporter, recorded the proceedings.

Rebecca Britt, Health Practitioners' Monitoring Program (HPMP) Case Manager, testified via telephone.

**CLOSED MEETING:** Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:43 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Walker. Additionally, Ms. Shah moved that Dr. Hills, Dr. Elliott, Ms. Tamayo-Suijk and Ms. Barrett 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 10:05 A.M.

Ms. Shah 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. Gerardo 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. Monson moved that the Board of Nursing reprimand Roger Dale Walker and reinstate his license to practice professional nursing in the Commonwealth of Virginia contingent upon passage of a Board-approved nursing refresher course. 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:**

**Keycia Charlene Bynum, LPN**

**0002-089907**

Ms. Bynum appeared.

Anne Joseph, Deputy Director for the Administrative Proceedings Division, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Andrea Pegram, court reporter, recorded the proceedings.

Marcella Luna, Investigator Supervisor Headquarter, Department of Health Professions, was present and testified.

**CLOSED MEETING:**

Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:13 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bynum. Additionally, Ms. Shah moved that Dr. Hills, Dr. Elliott, Ms. Tamayo-Suijk and Ms. Barrett 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 11:27 A.M.

Ms. Shah 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. Gerardo 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. Monson moved that the Board of Nursing deny the application of Keycia Charlene Bynum for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia and continue her license on indefinite suspension for a period of not less than one year. 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 11:31 A.M.

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

**FORMAL HEARINGS:** **Esther N. Carter, CNA** **1401-147136**  
Ms. Carter appeared and was accompanied by Isaac Kamau, her son.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Andrea Pregram, court reporter, recorded the proceedings.

Tonya James, Compliance Case Manager for the Board of Nursing, and Issac Kamau were present and testified.

**CLOSED MEETING:** Ms. Shah 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 Ms. Carter. Additionally, Ms. Shah moved that Dr. Hills, Dr. Elliott, Ms. Tamayo-Suijk and Ms. Barrett 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 2:00 P.M.

Ms. Shah 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. Gerardo 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:** Dr. Hahn moved that the Board of Nursing reprimand Esther N. Carter and continue her certificate to practice as a nurse aide in the Commonwealth of

Virginia on probation with terms for six months of active employment. 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 1:59 P.M.

RECONVENTION: The Board reconvened at 2:16 P.M.

FORMAL HEARINGS: **Mary Beth Crosson, CNA** **1401-151933**  
Ms. Crosson appeared and was accompanied by Julie Goeringer, Director of Human Resources at Independent You .

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Andrea Pregram, court reporter, recorded the proceedings.

Mark Cranfill, Senior Investigator, Department of Health Professions, Michael Gunn, Son of Client A, and Julie Goeringer, Director of Human Resources at Independent You, were present and testified.

CLOSED MEETING: Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:42 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Crosson. Additionally, Ms. Shah moved that Dr. Hills, Dr. Elliott, Ms. Tamayo-Suijk and Ms. Barrett 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 5:07 P.M.

Ms. Shah 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. Monson 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. Gerardo moved that the Board of Nursing revoke the certificate of Mary Beth Crosson to practice as a nurse aide in the Commonwealth of Virginia. 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 5:12 P.M.

RECONVENTION: The Board reconvened at 5:21 P.M.

FORMAL HEARINGS: **Shawn Renee Persinger, RN** **0001-254005**  
Ms. Persinger did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Andrea Pregram, court reporter, recorded the proceedings.

Alan Burton, Senior Investigator, Department of Health Professions, and Robbin Oliver, LNP at Carilion Clinic, were present and testified.

CLOSED MEETING: Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:41 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Persinger. Additionally, Ms. Shah moved that Dr. Hills, Dr. Elliott, Ms. Tamayo-Suijk and Ms. Barrett 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 5:46 P.M.

Ms. Shah 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. Monson 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. Gerardo moved that the Board of Nursing suspend the license of Shawn Renee Persinger to practice as a professional nursing in the Commonwealth of Virginia 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.

Virginia Board of Nursing  
**Panel B** – Formal Hearings  
November 15, 2018

ADJOURNMENT:           The Board adjourned at 5:50 P.M.

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Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director