

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
PANEL A
May 18, 2022**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M., on May 18,, 2022 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT: Cynthia M. Swineford, MSN, RN, CNE; First Vice-President
Yvette L. Dorsey, DNP, RN
Margaret J. Friedenberg, Citizen Member
James L. Hermansen-Parker, MSN, RN, PCCN-K
Mark D. Monson, Citizen Member
Jennifer Phelps, BS, LPN, QMHP-A, CSAC

STAFF PRESENT: Jay Douglas, MSM, RN, CSAC, FRE, Executive Director - **joined at 11:15 A.M.**
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Lakisha Goode, Discipline Team Coordinator

OTHERS PRESENT: James Rutkowski, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A PANEL: With six members of the Board present, a panel was established.

FORMAL HEARING: **Jessica Renee Burlison, RMA Applicant (Case #20815)**

Ms. Burlison did not appear.

Grace Steward, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Kim Taylor, court reporter, Farnsworth and Taylor Recording, recorded the proceedings.

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 9:06 A.M., for the purpose of deliberation to reach a decision in the matter of **Jessica Renee Burlison**. Additionally, Mr. Monson moved that Dr. Hills, Ms. Goode and Mr. Rutkowski, board counsel, 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 by Mr. Hermansen-Parker and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:11 A.M.

Mr. Monson 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 by Mr. Hermansen-Parker and carried unanimously.

ACTION:

Ms. Phelps moved that the Board of Nursing deny the application of **Jessica Renee Burlison** for reinstatement of her registration to practice as a medication aide in the Commonwealth of Virginia. The motion was seconded by Dr. Dorsey and carried unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

FORMAL HEARING:

Arielle N. Winston, LPN

0002-080601

Ms. Winston appeared, was represented by Ashley Passero, her legal counsel, and was accompanied by April Mallory, her sister.

Grace Stewart and Melissa Armstrong, Adjudication Specialists, Administrative Proceedings Division, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Kim Taylor, court reporter, Farnsworth and Taylor Recording, recorded the proceedings.

Shawn Ledger, Senior Investigator, DHP Enforcement Division; Ann Hardy, former Senior Investigator; Angela McClaine, RN; and Katia Tyler, LPN were present and testified.

RECESS:

The Board recessed at 11:12 A.M.

Ms. Douglas joined the meeting at 11:15 A.M.

RECONVENTION:

The Board reconvened at 11:22 A.M.

RECESS:

The Board recessed at 12:06 P.M.

RECONVENTION:

The Board reconvened at 12:15 P.M.

CLOSED MEETING: Mr. Hermansen Parker moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 1:42 P.M., for the purpose of deliberation to reach a decision in the matter of **Arielle N. Winston**. Additionally, Mr. Hermansen-Parker moved that Ms. Douglas, Dr. Hills, Ms. Goode and Mr. Rutkowski, 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 by Mr. Monson and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:22 P.M.

Mr. Hermansen-Parker 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 by Mr. Monson and carried unanimously.

ACTION: Dr. Dorsey moved that the Board of Nursing reprimand **Arielle N. Winston** and to place her license to practice professional nursing in the Commonwealth of Virginia on probation for a period of not less than two years with terms and conditions. The motion was seconded by Mr. Monson and carried unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

RECESS: The Board recessed at 2:24 P.M.

RECONVENTION: The Board reconvened at 3:12 P.M.

FORMAL HEARING: **Marquita Byrd, CNA** **1401-209175**

Ms. Byrd did not appear.

Grace Stewart and Christine Andreoli, Adjudication Specialists, Administrative Proceedings Division, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Kim Taylor, court reporter, Farnsworth and Taylor Recording, recorded the proceedings.

Stephen Shirley, Senior investigator, DHP Enforcement Division; Melissa Hagerstrom, CNA; Rakeria Smith, LPN, were present and testified.

CLOSED MEETING: Dr. Dorsey moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 3:41 P.M., for the purpose of deliberation to reach a decision in the matter of **Marquita Byrd**. Additionally, Dr. Dorsey moved that Ms. Douglas, Dr. Hills, Ms. Goode and Mr. Rutkowski 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 by Mr. Hermansen-Parker and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:48 P.M.

Dr. Dorsey 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 by Mr. Monson and carried unanimously.

ACTION: Mr. Hermansen-Parker moved that the Board of Nursing continue on indefinitely suspension the certificate of **Marquita Byrd** to practice as a nurse aide in the Commonwealth of Virginia and stay the suspension contingent upon her entry into a contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and remain in compliance with all terms of the HPMP for the times specified by the HPMP. The motion was seconded by Ms. Friedenbergl and carried unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 3:49 P.M.

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