

**VIRGINIA BOARD OF NURSING
INFORMAL CONFERENCE COMMITTEE
April 3, 2008**

TIME AND PLACE: The meeting of the Informal Conference Committee of the Board of Nursing was convened at 9:00 A.M., in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT: Judith E. Piersall, R.N., B.S.N., Chairperson
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Jane Elliott, R.N., Ph.D., Discipline Staff

OTHERS PRESENT: Emily Field, Adjudication Specialist
Nurse aide students from Richmond Adult Career Development Center

CONFERENCES
SCHEDULED:

Penni Whiteside, C.N.A. Applicant
Ms. Whiteside appeared, accompanied by Mr. Whiteside, spouse.

CLOSED MEETING: Ms. Ponn moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 9:30 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Whiteside. Additionally, Ms. Ponn moved that Dr. Elliott and Ms. Field attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 9:40 A.M.

Ms. Ponn moved that the Informal Conference Committee of 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. Ponn moved to issue an Order to approve Penni Whiteside's application to take the NNAAP examination for certification as a nurse aide in Virginia.

The motion was seconded and carried unanimously.

As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Whiteside unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Whiteside within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

CONFERENCES

SCHEDULED:

Penny Simmons, C.N.A. Reinstatement Applicant 1401-077185

Ms. Simmons appeared.

CLOSED MEETING:

Ms. Ponn moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 10:10 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Simmons. Additionally, Ms. Ponn moved that Dr. Elliott and Ms. Field attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 10:20 A.M.

Ms. Ponn moved that the Informal Conference Committee of 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. Ponn moved to issue an Order to reinstate the certificate of Penny Simmons to practice as a nurse aide and issue an unrestricted certificate.

The motion was seconded and carried unanimously.

As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Simmons unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Simmons within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

The students left the meeting.

RECESS:

The Board recessed at 10:25 A.M.

RECONVENTION:

The Board reconvened at 2:30 P.M.

CONFERENCES

SCHEDULED:

Linda Utberg, C.N.A. Endorsement Applicant

Ms. Utberg appeared.

CLOSED MEETING:

Ms. Ponn moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:30 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Utberg. Additionally, Ms. Ponn moved that Dr. Elliott and Ms. Field attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:40 P.M.

Ms. Ponn moved that the Informal Conference Committee of 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. Ponn moved to issue an Order to approve Linda Utberg's application for certification as nurse aide in Virginia and issue an unrestricted certificate.

The motion was seconded and carried unanimously.

As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Utberg unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Utberg within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

CONFERENCES

SCHEDULED:

Maria Rodgers, C.N.A. Reinstatement Applicant 1401-003192

Ms. Rodgers did not appear.

CLOSED MEETING:

Ms. Ponn moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:40 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Rodgers. Additionally, Ms. Ponn moved that Dr. Elliott and Ms. Field attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:45 P.M.

Ms. Ponn moved that the Informal Conference Committee of 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. Ponn moved to issue an order to deny Maria Rodgers' petition for reinstatement of her certificate to practice as a nurse aide in Virginia.

The motion was seconded and carried unanimously.

As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Rodgers unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Rodgers

within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

ADJOURNMENT:

The Board adjourned at 2:45 P.M.

Jane Elliott, R.N., Ph.D.
Discipline Staff

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
April 3, 2008**

- TIME AND PLACE:** The meeting of the Special Conference Committee of the Board of Nursing was convened at 10:50 A.M., in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.
- MEMBERS PRESENT:** Judith E. Piersall, R.N., B.S.N., Chairperson
G. Maxine Ponn, L.P.N.
- STAFF PRESENT:** Jane Elliott, R.N., Ph.D., Discipline Staff
- OTHERS PRESENT:** Emily Field, Adjudication Specialist
Nurse aide students from Richmond Adult Career Development Center
- CONFERENCES SCHEDULED:** **Janice Allen, C.N.A. 1401-078011**
Ms. Allen appeared.
- CLOSED MEETING:** Ms. Ponn moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 11:10 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Allen. Additionally, Ms. Ponn moved that Dr. Elliott and Ms. Field attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.
- RECONVENTION:** The Committee reconvened in open session at 11:20 A.M.
- Ms. Ponn moved that the Special Conference Committee of 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. Ponn moved to close the case and impose no sanction due to insufficient evidence to warrant disciplinary action by the Board of Nursing.
The motion was seconded and carried unanimously.
- CONFERENCES SCHEDULED:** **Whitney Fowler, C.N.A. 1401-115109**
Ms. Fowler appeared, accompanied by Kelli King, Attorney.
- CLOSED MEETING:** Ms. Ponn moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 12:25 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Fowler. Additionally, Ms. Ponn moved that Dr. Elliott and Ms. Field attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 12:45 P.M.

Ms. Ponn moved that the Special Conference Committee of 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. Ponn moved to issue an order to place Whitney Fowler on probation for three years employment with random urine drug screens three times a month for three years.

The motion was seconded and carried unanimously.

As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Fowler unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Fowler within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

The students left the meeting.

RECESS:

The Board recessed at 12:45 P.M.

RECONVENTION:

The Board reconvened at 1:30 P.M.

CONFERENCES

SCHEDULED:

Elmer Wiles, C.N.A. 1401-100456

Mr. Wiles appeared, accompanied by Ms. Hickson, mother.

CLOSED MEETING:

Ms. Ponn moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:05 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Wiles. Additionally, Ms. Ponn moved that Dr. Elliott and Ms. Field attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:10 P.M.

Ms. Ponn moved that the Special Conference Committee of 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. Ponn moved to close the case and impose no sanction due to insufficient evidence to warrant disciplinary action by the Board of Nursing.

The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at 12:40 P.M.

Jane Elliott, R.N., Ph.D.
Discipline Staff