

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 17, 2008**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on July 17, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**BOARD MEMBERS
PRESENT:** Lynne M. Cooper, Citizen Member, President
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member
Judith E. Piersall, R.N., B.S.N.
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline
Brenda Krohn, R.N., M.S. Deputy Executive Director, Medication Aide Registry
Manager
Amy Davis, Administrative Assistant (joined later)
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Eric Gregory, Assistant Attorney General
Nursing students from Bon Secours School of Nursing and Southside Virginia
Community College.

**ESTABLISHMENT OF
A QUORUM:** With five members of the Board present, a quorum was established.

FORMAL HEARINGS: **Tina M. Hudson, R.N. 0001-078194**
Ms. Hudson did not appear.

Emily Field, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

Cheryl Hodgson, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:22 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hudson. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Lee, Mr. Gregory and Mr. Casway 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 10:26 A.M.

Ms. Lindsay 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. Ponn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Field.

The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing indefinitely suspend Tina Hudson's right to renew her license to practice as a professional nurse.

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. Gregory and Ms. Lee left the meeting. Ms. Davis joined the meeting.

FORMAL HEARING:

Cynthia J. Bucklen, L.P.N. 0002-064506

Ms. Bucklen did not appear.

Wayne Halbleib, Senior Assistant Attorney General and Mary Beth Shelton, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

Jay Douglas, Executive Director, Board of Nursing; Carol Morgan, R.N., Nursing Home Administrator, Medi Home Health and Hospice; Elizabeth Green, R.N., Commonwealth Home Care; Yvonne Carr, L.P.N., Friendship Manor; and Sandra Barton, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:27 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bucklen. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Davis and Mr. Casway 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 approved unanimously.

RECONVENTION:

The Board reconvened in open session at 12:55 P.M.

Mr. Logan 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 approved unanimously.

Ms. Ponn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Halblieb and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board indefinitely suspend the practical nursing license of Cynthia Bucklen, stay said suspension upon verification of Ms. Bucklen's entry into and remaining in compliance with a recovery monitoring contract with the Health Practitioners Intervention Program. 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 1:00 P.M.

RECONVENTION: The Board reconvened at 1:30 P.M.

FORMAL HEARINGS: **Letta J. Hall, L.P.N. 0002-063730**

Ms. Hall appeared, accompanied by her husband, Levi Hall; and represented by her attorney, Karel Brown Ryan.

W. Clay Garrett, Assistant Attorney General and Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

Ms. Douglas left the meeting.

RECESS: The Board recessed at 1:53 P.M. at the request of Ms. Hall's attorney for consultation with Ms. Hall.

RECONVENTION: The Board reconvened at 2:20 P.M.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 2:21 P.M. for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Letta Hall. Additionally, Ms. Lindsay moved that Ms. Mitchell, Ms. Krohn, Ms. Davis and Mr. Casway to 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 at 2:35 P.M.

Ms. Lindsay 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.

RECESS: The Board recessed at 2:45 P.M.

RECONVENTION: The Board reconvened at 2:50 P.M.

Jennifer Mullins, L.P.N., testified by telephone. Donald Jackson, Senior Investigator, Department of Health Professions; Tracy Owens, L.P.N., Heritage Hall; were present and testified.

Ms. Douglas rejoined the meeting.

RECESS: The Board recessed at 4:35 P.M.

RECONVENTION: The Board reconvened at 4:50 P.M. and continued with testimonies.

Levi Hall, spouse of Ms. Hall was present and testified.

Ms. Davis left the meeting, Ms. Lee rejoined the meeting.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:08 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hall. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Lee and Mr. Casway 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 6:27 P.M.

Mr. Logan 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. Ponn moved to accept the findings of fact and conclusions of law as presented by Mr. Garrett and amended by the Board. The motion was seconded and carried unanimously.

Ms. Lindsay moved to continue Letta Hall on indefinite suspension, stay said suspension contingent upon entering into and remaining in compliance with a recovery monitoring contract with the Health Practitioners Intervention Program. 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. Mitchell left the meeting. Ms. Davis rejoined the meeting.

FORMAL HEARINGS: **James M. Robertson, R.N. Reinstatement Applicant 0001-183625**
Mr. Robertson appeared, accompanied by his wife.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions; William Addison Hurst, Regional Enforcement Manager, Investigator, Department of Health Professions; and Martha Ann Spruill, Case Manager, Health Practitioners Intervention Program were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 8:03 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Robertson. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis, Ms. Lee and Mr. Casway 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 8:20 P.M.

Mr. Logan 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. Ponn moved to accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board. The motion was seconded and carried unanimously.

Ms. Lindsay moved to deny the application for reinstatement of James Robertson's professional nursing license and continue on indefinite suspension 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.

Ms. Lee left the meeting.

FORMAL HEARINGS: **Adeola Oshode, C.N.A. 1401-118265**
Ms. Oshode appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings. Jennifer Challis, Senior Investigator, Department of Health Professions, testified by telephone.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:30 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Oshode. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway 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 9:40 P.M.

Mr. Logan 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. Ponn moved to 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.

Ms. Piersall moved to revoke the nurse aide certificate of Adeola Oshode with a finding of misappropriation of patient property. 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: **Kris Whorley, L.P.N. Reinstatement Applicant 0002-070890**
Ms. Whorley did not appear.

Emily Field, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:50 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Whorley. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway 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 9:55 P.M.

Ms. Lindsay 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. Piersall moved to accept the findings of fact and conclusions of law as presented by Ms. Field. The motion was seconded and carried unanimously.

Ms. Piersall moved to deny the reinstatement application of Kris Whorley, and further revoke the right to renew her practical nursing license. 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.

ADJOURNMENT:

The Board adjourned at 9:55 P.M.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director