

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
November 20, 2008**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:03 A.M. on November 20, 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
Brenda Hale, R.N.
Peregrin Francisco, R.N., M.S.A.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.

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

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Nursing students from Valley Vocational Technical Center and Germanna Community College

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

FORMAL HEARINGS: **Otayide O. Kuteyi, L.P.N. 0002-077887**
Ms. Kuteyi appeared, represented by attorney, Margaret Hardy.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kimberly Krett, court reporter, recorded the proceedings.

Leith Ellis, Senior Investigator, Department of Health Professions; Mary Pockrass, Administrator, Pearson Professional Center; and Tomike Kuteyi were present and testified.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:21 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kuteyi. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, 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.

Ms. Douglas left the closed session and the hearing at 11:45 A.M.

RECONVENTION: The Board reconvened in open session at 12:25 P.M.

Ms. Hale 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. Logan moved that the Board of Nursing 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.

ACTION: Ms. Francisco moved that the Board of Nursing reinstate the license of Olayide Kuteyi, issue a order of reprimand and further order Ms. Kuteyi to complete the National Council of State Boards of Nursing courses “Ethics of Nursing Practice” and “Professional Accountability and Legal Liability for Nurses” within sixty days of entry of the order.

The motion was seconded and carried. Ms. Cooper, Ms. Hale, Ms. Francisco and Ms. Ponn were in favor of the motion. Mr. Logan opposed the motion.

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 12:30 P.M.

RECONVENTION: The Board reconvened at 1:20 P.M.

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

FORMAL HEARINGS: **Ronald M. Schneider, R.N. 0001-134875**

Mr. Schneider did not appear.

William Clay Garrett, Assistant Attorney General and Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kimberly Krett, court reporter, recorded the proceedings.

Kelly Moss, Senior Investigator, Department of Health Professions; Gilda Pegram, Nursing Coordinator, Central State Hospital; and Tracy Sallisbury, Human Resource Director, Central State Hospital were present and testified.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:00 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Schneider. Additionally, Ms. Hale moved that Ms. Krohn, Ms. Mitchell, 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 2:17 P.M.

Ms. Hale 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. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Garrett.

The motion was seconded and carried unanimously.

ACTION:

Ms. Ponn moved that the Board of Nursing continue the license of Ronald Schneider on indefinite suspension for not less than one year and until such time as he can appear before the Board and provide evidence that he is safe and competent to resume practice.

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:

Drema B. Handy, L.P.N. 0002-018417

Ms. Handy appeared.

LaRhonda Carter, Adjudication Specialist, represented the Commonwealth. Mr Casway was legal counsel for the Board. Rhonda Tuck, court reporter, recorded the proceedings.

Lisa Oliphant, Senior Investigator, Department of Health Professions; Gloria D. Mitchell, Deputy Executive Director, Department of Health Professions; Olga Dalton, L.P.N. Pulaski Community Hospital were present and testified.

RECESS:

The Board recessed at 3:40 P.M.

RECONVENTION:

The Board reconvened at 3:50 P.M.

Teresa Kemp, L.P.N. Pulaski Community Hospital testified by telephone. Nancy Edwards, R.N. was present and testified.

Ms. Krohn and Ms. Davis left the meeting.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:58 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Handy. Additionally, Ms. Hale moved that Ms. Mitchell 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 5:18 P.M.

Ms. Francisco 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. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Hale moved that the Board of Nursing issue an order of reprimand to Drema Handy, and further order that Ms. Handy complete the National Council of State Boards of Nursing courses "Ethics of Nursing Practice" and "Professional Accountability and Legal Liability for Nurses" within sixty days of entry of the order.

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 rejoined the meeting.

FORMAL HEARINGS:

Cassandra L. Wilson, C.N.A. 1401-036502

Ms. Wilson did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kimberly Adderley, court reporter, recorded the proceedings.

Kelli Moss, Senior Investigator, Department of Health Professions; Estelle Burfick, Administrator, Seven Hills Health Care Center were present and testified.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:50 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Wilson. Additionally, Ms. Hale 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 6:00 P.M.

Ms. Hale 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. Logan 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.

Ms. Francisco moved that the Board of Nursing issue an order of reprimand to Cassandra Wilson.

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

FORMAL HEARINGS:

Theresa VanBuskirk, L.P.N. Reinstatement Applicant 0002-059423

Ms. VanBuskirk appeared.

Mary Beth Shelton, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kimberly Adderley, court reporter, recorded the proceedings.

Vicki Fox, Senior Investigator, Department of Health Professions; Holly Jonack; Dawn Layton, L.P.N. (Pennsylvania); Rebecca Masoka; were present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:50 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. VanBuskirk. Additionally, Ms. Francisco moved that Ms. Douglas, 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 8:00 P.M.

Ms. Francisco 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. Shelton and amended by the Board.

The motion was seconded and carried unanimously.

Mr. Logan moved that the Board deny the reinstatement application of Theresa VanBuskirk.

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: **Eleanor White, L.P.N. 0002-053777**
Ms. White appeared.

LaRhonda Carter, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kimberly Adderley, court reporter, recorded the proceedings.

Anthony Sellers, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:38 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. White. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn 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 9:48 P.M.

Ms. Francisco 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. Carter.

The motion was seconded and carried unanimously.

Ms. Hale moved that the Board issue an Order of reprimand to Eleanor White.
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: **Melissa Blankenship, L.P.N. 0002-074053**
Ms. Blankenship did not appear.

LaRhonda Carter, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kimberly Adderley, court reporter, recorded the proceedings.

Rachel Shaw, Senior Investigator, Department of Health Professions; Karen Cox, R.N., Director of Nursing, Independent Home Health Care; Vicky Helton, R.N.,

Branch Manager, Independent Home Health Care were present and testified.
Patient B testified by telephone.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:45 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Blankenship. Additionally, Ms. Francisco 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 10:50 P.M.

Ms. Francisco 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. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter.

The motion was seconded and carried unanimously.

Ms. Ponn moved that the Board indefinitely suspend the license of Melissa Blankenship 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.

ADJOURNMENT:

The Board adjourned at 10:55 P.M.

Brenda Hale, R.N.
Secretary