

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 19, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:20 A.M. on March 19, 2009, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia

**BOARD MEMBERS
PRESENT:**

Lynne Cooper, Citizen Member, President
Peregrin Francisco, R.N., M.S.A.
Brenda L. Hale, R.N.
Patricia C. Lane, R.N., B.S.N.
Lawrence L. Logan, Citizen Member

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
Jodi P. Power, R.N., J.D., Deputy Executive Director
Donna Lee, Senior Discipline Specialist
Amy Davis, Administrative Assistant (joined later)

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Crystal Adams, Administrative Assistant from the Attorney General's Office

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

**FORMAL HEARINGS
SCHEDULED:**

Tilahuan A. Kelile, C.N.A. 1401-119293

Mr. Kelile appeared, accompanied by interpreter, Yohannis Gebresilassie.

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

Sue Zich, Senior Investigator, Department of Health Professions; Joyce Murray, C.N.A., Fairfax Nursing Center; and Kathy Wanamaker, R.N., Fairfax Nursing Center 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 11:25 A.M. for the purpose of deliberation to reach a decision in the matter of Mr. Kelile. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power, Ms. Lee, Ms. Adams 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 11:39 A.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.

Ms. Lindsay 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.

Mr. Logan moved to revoke the nurse aide certificate of Tilahuan Kelile with a finding of abuse. 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
SCHEDULED:

Vicky McCoy Ashby, L.P.N. 0002-064343

Ms. Ashby appeared.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Kelly Ashley, Senior Investigator, Department of Health Professions; Wendy Gajewski, Clinical Supervisor, Maxim Health Care; and Alma Rumph, patient's spouse testified by telephone.

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

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

RECONVENTION: The Board reconvened at 2:03 P.M.

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 3:03 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Ashby. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power, Ms. Davis, Ms. Adams 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 3:20 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.

Ms. Lindsay moved to dismiss the case in the matter of Vicky McCoy Ashby due to insufficient evidence.

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 3:30 P.M.

RECONVENTION: The Board reconvened at 4:00 P.M.

FORMAL HEARINGS
SCHEDULED:

Kimberly D. Dula, R.N. 0001-157503

Ms. Dula appeared.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Ms. Krohn and 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 4:37 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Dula. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Lee, Ms. Adams 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 4:48 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.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as stipulated by Ms. Dula and, presented by Ms. Joseph and amended by the Board.

Ms. Lindsay moved to indefinitely suspend the professional nursing license of Kimberly Dula 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.

FORMAL HEARINGS

SCHEDULED:

Karen S. Stephens, R.N. 0001-116379

Ms. Stephens appeared, represented by her attorney, Andre Hakes.

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 5:08 P.M. to consider a proposed consent order in the matter of Ms. Stephens, in lieu of the formal hearing. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power 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 5:13 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.

Ms. Cooper announced that upon receipt of a signed copy, the Board of Nursing accepts the consent order to place Karen Stephens on probation with terms for a period of two years of active nursing practice and the formal hearing is cancelled.

FORMAL HEARINGS

SCHEDULED:

Margaret T. Turner, R.N. 0001-098754

Ms. Turner appeared, represented by attorney, Melvin Williams.

James Schliessmann, Assistant Attorney General, and Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Sandra Barton, Senior Investigator, Department of Health Professions; Candice Carroll, R.N., Director of Emergency Service, Lewis Gale Medical Center; Amanda Champney, Director of Nursing, Berkshire Health Care Center; Martha Courses, Human Resource Manager, Berkshire Health Care Center; Christopher Coulter, Paramedic, R.N., former employee of Lewis Gale Medical Center; Renee Crosier, R.N., former employee of Lewis Gale Medical Center; and Jacqueline Baldwin were present and testified.

RECESS:

The Board recessed at 9:00 P.M.

RECONVENTION:

The Board reconvened at 9:45 P.M.

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 2:10 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Turner. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power, Ms. Lee, Ms.

Adams 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 3:00 A.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.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Schliessmann and amended by the Board. The motion was seconded and carried unanimously.

Ms. Hale moved to place Margaret Turner on probation with terms and conditions 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 3:08 A.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director