

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
May 21, 2009**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:18 A.M. on May 21, 2009 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 L. Hale, R.N.  
Patricia C. Lane, R.N., B.S.N.  
Evelyn Lindsay, L.P.N.  
Lawrence L. Logan, Citizen Member

**STAFF PRESENT:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director (joined later)  
Jodi P. Power, R.N., J.D., Deputy Executive Director  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director (joined later)  
Donna Lee, Senior Discipline Specialist (joined later)  
Amy Davis, Administrative Assistant

**OTHERS PRESENT:** Ishneila Moore, Assistant Attorney General  
Howard M. Casway, Senior Assistant Attorney General (joined later)  
Nursing students from Sentara School of Health Professions

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

**FORMAL HEARINGS:** **Tila A. Newbery, C.N.A. 1401-113376**  
Ms. Newbery appeared.

Mary Beth Shelton, Adjudication Specialist represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush, 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 9:55 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Newbery. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Davis and Ms. Moore 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 10:11 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.

Mr. Logan 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.

**ACTION:**

Ms. Hale moved that the Board of Nursing take no action in the matter of Tila Newbery contingent upon proof of evidence into the Health Practitioners Intervention Program and thereafter remaining in compliance 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.

**FORMAL HEARINGS:**

**Maxine R. Hayes, L.P.N. Reinstatement Applicant 0002-062979**

Ms. Hayes appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Cecile Custer, 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 11:15 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hayes. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Davis and Ms. Moore 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 11:27 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.

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

The motion was seconded and carried unanimously.

**ACTION:**

Ms. Lane moved that the Board of Nursing deny reinstatement of the practical nursing license of Maxine Hayes and continue her on indefinite suspension until such time as can appear before the Board and provide sufficient evidence that she is safe and competent to resume practice as a practical nurse.

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 11:29 A.M.

**RECONVENTION:**

The Board reconvened at 11:49 A.M.

Ms. Mitchell joined the meeting.

**FORMAL HEARINGS:**

**Tamberlyn Russell, C.N.A. Reinstatement Applicant 1401-060092**

Ms. Russell appeared, accompanied by her sponsor and Martha Ann Spruill, Case Manager, Health Practitioners Intervention Program.

Wendell Roberts, Adjudication Specialist represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

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

Algretha Pilgrim, Substance Abuse Counselor and Ms. Russell's sponsor; 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 12:26 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Russell. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Lee and Ms. Moore 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 12:35 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.

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

**ACTION:** Ms. Lindsay moved that the Board of Nursing reinstate the nurse aide certificate of Tamberlyn Russell contingent upon Ms. Russell's continued compliance 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.

**FORMAL HEARINGS:** **Claudia L. Wray, C.N.A. 1401-017421**  
Ms. Wray did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

J. Chris Larson 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 1:05 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wray. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Lee and Ms. Moore 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 1:15 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.

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.

**ACTION:** Ms. Hale moved that the Board of Nursing revoke the right to renew the nurse aide certificate of Claudia Wray and enter 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.

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

**RECONVENTION:** The Board reconvened at 2:05 P.M.

**FORMAL HEARINGS:** **Lynn M. Brooks, R.N. 0001-126532**

Ms. Brooks appeared, accompanied by her parents.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Sherry Foster, Senior Investigator, Department of Health Professions; Jennifer Dent, R.N., Southside Regional Medical Center School of Nursing; and Lynn Brooks, mother of Ms. Brooks were present and testified.

Ms. Douglas joined 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 3:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Brooks. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Mitchell, Ms. Lee and Ms. Moore 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 3:32 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.

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.

ACTION: Ms. Lane moved that the Board of Nursing accept the voluntary surrender for indefinite suspension of the professional nursing license of Lynn Brooks until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to 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.

Ms. Moore, Ms. Lee and the students left the meeting.

Mr. Casway joined the meeting and Ms. Davis re-joined the meeting.

RECESS: The Board recessed at 3:40 P.M.

RECONVENTION: The Board reconvened at 3:50 P.M.

FORMAL HEARINGS: **Jennifer C. Hedrick, L.P.N. 0002-052906**  
Ms. Hedrick appeared.

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

Jennifer Sears-Cockram, Case Manager, Health Practitioners Intervention Program 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 4:32 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hedrick. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, Ms. Power, 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 5:16 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.

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.

ACTION: McHale moved that the Board of Nursing continue Jennifer Hedrick's practical nursing license on indefinite suspension, with said suspension to be stayed after the Board receives proof of six random, unannounced urine drug screens which are negative, over a period of not less than three months. Thereafter, she shall comply with certain terms and conditions for a period of one year from the date of the Order. Failure to comply with the terms shall result in summary rescission of the stay and her license shall be suspended.

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

FORMAL HEARINGS: **Crystal Eanes, L.P.N. 0002-052864**  
Ms. Eanes appeared.

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

Kimberly Whittemore, Senior Investigator, Department of Health Professions; Joanne McKay, Office Manager, Piedmont Medical Renal Associates; and James McKay, M.D., Piedmont Medical Renal Associates were present and testified. Conrad Daum, M.D. 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 6:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Eanes. Additionally, Ms. Lindsay moved that Ms. Power, 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.

RECONVENTION: The Board reconvened in open session at 6:40 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.

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

ACTION: Ms. Hale moved that the Board of Nursing take no action against Crystal Eanes, contingent upon her entry into the Health Practitioners Intervention Program within 45 days of entry of the order and thereafter remaining in compliance 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.

FORMAL HEARINGS: **Karen P. Jones, C.N.A. 1401--65034**  
Ms. Jones did not appear.

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

Lisa Elgin, Senior Investigator, Department of Health Professions; Sue Van Housen, R.N., Administrator, Avante at Lynchburg; Laura Chandler, Resident Care Coordinator, The Oaks of Lynchburg 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 7:12 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jones. Additionally, Ms. Lindsay moved that Ms. Power, 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.

RECONVENTION:

The Board reconvened in open session at 7:18 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.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Mr. Logan moved that the Board of Nursing revoke the nurse aide certificate of Karen Jones 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.

ADJOURNMENT:

The Board adjourned at 7:20 P.M.

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