

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 17, 2014**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on March 17, 2014 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Joyce A. Hahn, PhD, APRN, NEA-BC; Vice President
Allison Gregory, RN, FNP-BC
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
John M. Horn, LPN
William Traynham, LPN, CSAC

STAFF PRESENT: Brenda Krohn, RN, MS, Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Students from Germanna Community College RN students; Lynchburg College Senior Nursing Program; Chesterfield Technical Center PN students; and Central School of Practical Nursing/Norfolk Tech Center

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

FORMAL HEARINGS: **Toma L. Kemp, CNA 1401-129758**
Mr. Kemp appeared.

Amanda Blount, Adjudication Specialist represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane Snead Reporting, recorded the proceedings.

Lane Raker, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:58 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Kemp. Additionally, Ms. Holmes moved that Ms. Krohn, Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell 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 10:07 A.M.

Ms. Gregory 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. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Gregory moved that the Board of Nursing revoke the nurse aide certificate of Toma Kemp and to enter a finding of abuse against him into the Nurse Aide Registry. 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: **Makesha C. Ndiaye, LPN Reinstatement Applicant 0002-068703**
Ms. Ndiaye appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Medford Howard court reporter with Crane Snead Reporting, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions; Isabelle Hilliard, President and CEO, Old Dominion Home Health Services; and Kelly Moss, Senior Investigator, Department of Health Professions were present and testified. Andria Christian, Senior Investigator, Department of Health Professions testified by telephone.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:43 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Ndiaye. Additionally, Ms. Holmes moved that Ms. Krohn, Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell 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 11:54 A.M.

Ms. Holmes 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. Traynham 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. Gregory moved that the Board of Nursing deny the reinstatement application of Makesha Ndiaye and to continue her license on indefinite suspension. 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:

Christina Lemieux, LPN Reinstatement Applicant 0002-030402

Ms. Lemieux appeared.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane Snead Reporting, recorded the proceedings.

Vicky Fox, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:28 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lemieux. Additionally, Ms. Holmes moved that Ms. Krohn, Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell 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. Holmes 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. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing reinstate the practical nursing license of Christina Lemieux and to issue a reprimand. 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 11:45 A.M.

RECONVENTION: The Board reconvened at 1:00 P.M.

FORMAL HEARINGS: **Windy I. Markham, LPN 0002-052629**
Ms. Markham did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane Snead Reporting, recorded the proceedings.

Ron Houser, Senior Investigator, Department of Health Professions; and Amy Stewart, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:24 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Markham. Additionally, Ms. Holmes moved that Ms. Krohn, Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell 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 1:28 P.M.

Ms. Gregory 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. Hershkowitz 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. Holmes moved that the Board of Nursing continue the practical nursing license of Windy Markham on indefinite suspension and to issue a reprimand. 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: **Robyn L. Saavedra, RN 0001-158045**
Ms. Saavedra did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane Snead Reporting, recorded the proceedings.

Charlotte Hudson, Senior Investigator, Department of Health Professions testified by telephone. Kathy Ward, Case Manager, Health Practitioners Monitoring Program was present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:06 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Saavedra. Additionally, Ms. Holmes moved that Ms. Krohn, Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell 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 3:12 P.M.

Ms. Holmes 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. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones.

The motion was seconded and carried unanimously.

ACTION: Ms. Gregory moved that the Board of Nursing issue a reprimand to Robyn Saavedra and to continue the professional nursing license of Ms. Saavedra on indefinite suspension. 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: **Anna Marie G. Morris, CNA Reinstatement Applicant 1401-033834**
Ms. Morris appeared.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane Snead Reporting, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Morris. Additionally, Ms. Holmes moved that Ms. Krohn, Ms. G. Mitchell, Ms. Graham and Ms. C. Mitchell 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 2:34 P.M.

Ms. Holmes 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. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved that the Board of Nursing reinstate the nurse aide certification of Anna Marie Morris upon successful completion of the NNAAP exam. 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 3:15 P.M.

Gloria D. Mitchell, RN, MSN, MBA
Deputy Executive Director