

**VIRGINIA BOARD OF NURSING
MINUTES
January 28, 2016**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:19 A.M. on January 28, 2016 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Jeanne Holmes, Citizen Member; Chair
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Kelly S. McDonough, DNP, RN
Trula Minton, MS, RN

STAFF PRESENT: Gloria D. Mitchell-Lively, Deputy Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist
Amy Davis, Executive Assistant (joined later)

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel
Nursing students from J. Sargent Reynolds Community College

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

FORMAL HEARINGS: **Eddie Musa, LPN Reinstatement Applicant 0002-075704**
Mr. Musa appeared, represented by Anissa Kelly, Esquire.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

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

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:40 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Musa. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively, Ms. Power, Ms. Graham and Ms. 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 9:49 A.M.

Dr. McDonough 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. Minton 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. Gerardo moved that the Board of Nursing approve the application for reinstatement of Eddie Musa to practice as a practical 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.

FORMAL HEARINGS:

Kathy Sue Luttrell, RN Reinstatement Applicant 0001-129440
Ms. Luttrell appeared.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Joyce Shelton-Jones, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:26 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Luttrell. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively, Ms. Power, Ms. Graham and Ms. 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 10:39 A.M.

Dr. McDonough 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. Gerardo 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:

Ms. Minton moved that the Board of Nursing reinstate the license of Kathy Luttrell to practice as a registered nurse contingent upon her entry into the Health Practitioners Monitoring Program and remaining in compliance with the 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 10:43 A.M.

RECONVENTION: The Board reconvened at 10:52 A.M.

FORMAL HEARINGS: **Rebecca J. Monk, RN Reinstatement Applicant 0001-168053**
Ms. Monk appeared.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Joshua Boggan, Case Intake Manager, Department of Health Professions was present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:33 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Monk. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively, Ms. Power, Ms. Graham and Ms. 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 11:57 A.M.

Dr. McDonough 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. Minton 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. Gerardo moved that the Board of Nursing reinstate the registered nursing license of Rebecca Monk and place her on probation with terms and conditions for a period of not less than one year of employment as a nurse. The motion was seconded and carried. Ms. Holmes, Ms. Gerardo, Ms. Gilliam and Ms. Minton were in favor of the motion. Dr. McDonough 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.

FORMAL HEARINGS: **Abigail Lebron-Cannon, RN 0001-223718**
Ms. Lebron-Cannon appeared, represented by Dante Filetti, Esquire.

Amy Weiss, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Meghan Wingate, Senior Investigator, Department of Health Professions; and Rebecca Britt, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:35 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lebron-Cannon. Additionally, Dr. McDonough moved that Ms. Power, Ms. Graham and Ms. 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 2:03 P.M.

Dr. McDonough 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. Minton moved that the Board of Nursing accept the findings of fact and conclusions of law as present by Ms. Weiss and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Gerardo moved that the Board of Nursing reprimand Abigail Lebron-Cannon and place her on probation with terms and conditions for a period of not less than two years and to complete National Council of State Boards of Nursing online courses “Ethics of Nursing Practice”; “Professional Accountability and Legal Liability for Nurses” and “Disciplinary Actions: Righting a Wrong” within 90 days of entry of the order. The motion was seconded and carried unanimously.

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

RECESS: The Board recessed at 2:05 P.M.

RECONVENTION: The Board reconvened at 2:45 P.M.

FORMAL HEARINGS: **Monica D. Minor, CNA Reinstatement Applicant 1401-026362**
Ms. Minor appeared.

Amy Weiss, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions and Andria Christian, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:52 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Minor. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Ms. 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 4:15 P.M.

Dr. McDonough 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. Minton moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Weiss and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Gerardo moved that the Board of Nursing deny reinstating the nurse aide certificate of Monica Minor and to revoke the right to reinstate the certificate 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.

RECESS: The Board recessed at 4:17 P.M.

RECONVENTION: The Board reconvened at 4:24 P.M.

FORMAL HEARINGS: **Rochell F. Kemp LPN Reinstatement Applicant 0002-083093**
Ms. Kemp appeared.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Patricia Dewey, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:46 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kemp. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Ms. 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 4:56 P.M.

Dr. McDonough 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. Minton 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. Gilliam moved that the Board of Nursing reinstate the license of Rochell Kemp to practice as a practical 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.

FORMAL HEARINGS:

Kara N. Wilder, LPN Reinstatement Applicant 0002-092165; RN Applicant

Ms. Wilder appeared, accompanied by her fiancé, Mauricio Martinez.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Marian McLean, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:29 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wilder. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Ms. 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 5:44 P.M.

Dr. McDonough 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. Minton 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. Gerardo moved that the Board of Nursing reprimand Kara Wilder and reinstate her license to practice as a practical nurse and approve her application for licensure as a registered nurse by examination contingent upon Ms. Wilder completing the National Council of State Boards of Nursing online course “Righting a Wrong: Ethics and Professionalism in Nursing”. The motion was seconded and carried unanimously.

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RECESS: The Board recessed at 5:47 P.M.

RECONVENTION: The Board reconvened at 5:50 P.M.

FORMAL HEARINGS: **Shaunda Bassani, CNA 1401-096255**
Ms. Bassani did not appear.

Amy Weiss, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Debra Hay-Pierce, Senior Investigator, Department of Health Professions testified by telephone.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:07 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bassani. Additionally, Dr. McDonough moved that Ms. Mitchell-Lively, Ms. Power, Ms. Davis and Ms. 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 6:11 P.M.

Dr. McDonough 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. Minton moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Weiss. The motion was seconded and carried unanimously.

ACTION: Dr. McDonough moved that the Board of Nursing indefinitely suspend the nurse aide certificate of Shaunda Bassani for a period of not less than two years and until such time as she can appear before the Board and prove 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.

ADJOURNMENT:

The Board adjourned at 6:13 P.M.

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