

VIRGINIA BOARD OF NURSING
Formal Hearings
July 18, 2012
Panel – A

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on July 18, 2012 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS
PRESENT: Patricia M. Selig, RN, FNP, PhD; President
Allison Gregory, RN, FNP-BC
Louise D. Hartz, Citizen Member
Trula Minton, MS, RN
William Traynham, LPN, CSAC

BOARD MEMBER
ABSENT: John M. Horn, LPN

STAFF PRESENT: Brenda Krohn, RN, MS; Deputy Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Darlene Graham, Administrative Assistant

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Maggie Burress, Intern from Attorney General's Office
Nursing students from Bryant and Stratton College

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

CLOSED MEETING: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:04 A.M. for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Power, Ms. Graham, Ms. Burress 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 9:25 A.M.

Ms. Hartz 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.

Gretchen Chapman, RN 0001-159383

Ms. Chapman did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Gretchen Chapman and impose a monetary penalty of \$500 to be submitted to the Board within 60 days from entry of the order. The motion was seconded and carried unanimously.

Peggy Meder, RN 0001-178769

Ms. Meder did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Peggy Meder and impose a monetary penalty of \$1,500 to be submitted to the Board within 60 days from entry of the order. The motion was seconded and carried unanimously.

Christine Delk, RN 0001-080524

Ms. Delk did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Christine Delk and take no further action contingent upon Ms. Delk's continued compliance with the Health Practitioners Monitoring Program for the period specified by the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

LaFreda Hamlett, LPN 0002-073394; RN 0001-229726

Ms. Hamlett did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to LaFreda Davis. The motion was seconded and carried unanimously.

Ellen Joanne Hatcher, RMA 0031-000148; CNA 1401-072399

Ms. Hatcher did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Ellen Hatcher and take no further action contingent upon Ms. Hatcher's continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Rachael Molina, CNA 1401-123662

Ms. Molina did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the right to renew the nurse aide certificate of Rachael Molina and enter findings of abuse and misappropriation

against her into the Nurse Aide Registry. The motion was seconded and carried unanimously.

LaQuin Staten, LPN 0002-049116

Ms. Staten did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to impose a monetary penalty of \$300 on LaQuin Staten to be submitted to the Board within 45 days from entry of the order. The motion was seconded and carried unanimously.

Krystal Tippett, RN 0001-213181

Ms. Tippett did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the professional nursing license of Krystal Tippett until such time as she can demonstrate that she is capable of resuming the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

Alisha Ellinger, CNA 1401-142327

Ms. Ellinger did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Alisha Ellinger. The motion was seconded and carried unanimously.

George Robertson, LPN 0002-053590

Mr. Robertson did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to George Robertson and further indefinitely suspend the practical nursing license of Mr. Robertson until such time as he can show that he is capable of returning to the safe and competent practice of practical nursing. The motion was seconded and carried unanimously.

Katherine Greene, LPN 0002-081461

Ms. Greene did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Katherine Greene, stay the suspension contingent upon Ms. Greene's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Jamie Brown, CNA 1401-122057

Ms. Brown did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the right to renew the nurse aide certificate of Jamie Brown and to enter a finding of misappropriation of patient property against her into the Nurse Aide Registry. The motion was seconded and carried unanimously.

Sharon Chatman, CNA 1401-144940

Ms. Chatman did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Sharon Chatman. The motion was seconded and carried unanimously.

Jeanette Clark, CNA 1401-091136

Ms. Clark did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Jeanette Clark and enter a finding of abuse against her into the Nurse Aide Registry. The motion was seconded and carried unanimously.

Rosalynne Hunter, CNA 1401-120677; LPN 0002-081520

Ms. Hunter did not appear.

Ms. Gregory moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license and the right to renew the nurse aide certificate of Rosalynne Hunter, but stay the suspension contingent upon Ms. Hunter's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Judith Yeager, LPN 0002-081543

Ms. Yeager did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Judith Yeager for a period of not less than two years and until such time as she can demonstrate that she is capable of resuming the safe and competent practice of practical nursing. The motion was seconded and carried unanimously.

Lisa M. Cooper, CNA 1401-021854

Ms. Cooper did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certification of Lisa Cooper, stay the suspension contingent upon Ms. Cooper's continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Alexander Welch, RN 0001-204464; LNP Applicant

Mr. Welch did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to impose a monetary penalty of \$300 against Alexander Welch to be submitted to the Board within 30 days from entry of the order. . The motion was seconded and carried unanimously. Further, Ms. Gregory, Ms. Hartz and Dr. Selig, as a special conference committee of the Joint Boards of Nursing and Medicine authorized offering Mr. Welch a pre-hearing consent order which would approve his nurse practitioner and prescriptive authority applications contingent upon receiving the payment of the \$300 monetary penalty ordered by the Board of Nursing

FORMAL HEARINGS: **Tonia R. McFaddin, RN 0001-143387**

Ms. McFaddin did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lanieda Briggs, court reporter, recorded the proceedings.

Denise Sexton, Senior Investigator, Department of Health Professions; Shelia Hatmaker, RN, former Director of Nursing, Carilion Clinics, Stonewall Jackson Hospital; Marlene Cooper, RN, ICU Manager, Stonewall Jackson Hospital; and Deneen Davis, RN, Stonewall Jackson Hospital were present and testified.

CLOSED MEETING: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:39 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. McFaddin. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Power, Ms. Graham, Ms. Burrell 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 11:00 A.M.

Ms. Hartz 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. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Gregory moved that the Board of Nursing indefinitely suspend the professional nursing license of Tonia McFaddin, stay the suspension contingent upon proof of entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring 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 11:15 A.M.

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

FORMAL HEARINGS: **Georgina George, LPN 0002-046612**
Ms. George did not appear.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lanieda Briggs, court reporter, recorded the proceedings.

Sue Zilch, Senior Investigator, Department of Health Profession; and Lillian Eldred, LPN were present and testified.

CLOSED MEETING: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:28 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. George. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Power, Ms. Graham, Ms. Burress 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 1:52 P.M.

Ms. Hartz 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 Mr. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Traynham moved that the Board of Nursing indefinitely suspend the practical nursing license of Georgina George 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.

FORMAL HEARINGS: **Sarah K. Gerard, LPN 0002-042663**
Ms. Gerard did not appear.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lanieda Briggs, court reporter, recorded the proceedings.

Ron Houser, Senior Investigator, Department of Health Professions; Amy Jo Settle, mother of a patient; and Sargeant A.B. Hammer, Elkton Police Department were present and testified.

CLOSED MEETING:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:41 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gerard. Additionally, Ms. Hartz moved that Ms. Krohn, Ms. Power, Ms. Graham, Ms. Burress 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 3:01 P.M.

Ms. Hartz 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 Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved that the Board of Nursing indefinitely suspend the practical nursing license of Sarah Gerard until such time as she can appear before the Board and prove that she 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:

Pamela Arrington, LPN 0002-066848

Ms. Arrington appeared, accompanied by her mother, Barbara McZeal; and her sister, Cheryl McNeal.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lanieda Briggs, court reporter, recorded the proceedings.

Patricia Harte-Byers, Senior Investigator, Department of Health Professions; Cheryl Rudolph, LPN, Assistant Director of Nursing, Riverside Rehabilitation Center, Hampton; Ann Moffat, Acting Director of Nursing, Riverside Rehabilitation Center, Hampton; Barbara McZeal, mother of Ms. Arrington; and Cheryl McZeal, sister of Ms. Arrington were present and testified.

Ms. Krohn left the meeting.

CLOSED MEETING: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:40 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Arrington. Additionally, Ms. Hartz moved that Ms. 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 7:58 P.M.

Ms. Hartz 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. Exterovich and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Minton moved that the Board of Nursing indefinitely suspend the practical nursing license of Pamela Arrington for a period of not less than three 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 8:05 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director

VIRGINIA BOARD OF NURSING
Minutes – Panel B
July 18, 2012

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on July 18, 2012 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; Chairperson
Jeanne Holmes, Citizen Member
Jane Ingalls, RN, CNS, PhD
Florence Jones-Clarke, RN, MS
Evelyn Lindsay, LPN

STAFF PRESENT: Jay P. Douglas, RN, MSM, CSAC, Executive Director
Gloria D. Mitchell, RN, MSN, MBA, Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT: Howard Casway, Senior Assistant Attorney General

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

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 9:08 A.M. for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Lindsay moved that Ms. Douglas, 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 9:30 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.

Michelle D. Palmer, RN 0001-153760

Ms. Palmer did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Michelle Palmer and

impose a monetary penalty of \$450 to be submitted to the Board within 45 days from entry of the order. The motion was seconded and carried unanimously.

Judith McKennelly, CNA 1401-069920

Ms. McKennelly did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Judith McKennelly and to enter a finding of abuse against her into the Nurse Aide Registry.

The motion was seconded and carried unanimously.

Patricia Koroma, CNA 1401-131736

Ms. Koroma did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Patricia Koroma. The motion was seconded and carried unanimously.

Velvet McCoy, CNA 1401-131087

Ms. McCoy did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Velvet McCoy and that a finding of abuse be entered against Ms. McCoy in the Nurse Aide Registry. The motion was seconded and carried unanimously.

William Murphy, CNA 1401-140665

Mr. Murphy did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of William Murphy and to issue an order of reprimand.

The motion was seconded and carried unanimously.

Priscilla Natt, CNA 1401-139178

Ms. Natt did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Priscilla Natt and enter a finding of abuse against her in the Virginia Nurse Aide Registry.

The motion was seconded and carried unanimously.

Erin Shaulis, CNA 1401-119581

Ms. Shaulis did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Erin Shaulis and enter a finding of misappropriation against her in the Virginia Nurse Aide Registry.

The motion was seconded and carried unanimously.

Love Afram, LPN 0002-075388

Ms. Afram did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Love Afram. The motion was seconded and carried unanimously.

Mary Campbell, RN 0001-109630

Ms. Campbell did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Mary Campbell and further indefinitely suspend the license of Ms. Campbell until such time as she is safe and capable of returning to the practice of professional nursing. The motion was seconded and carried unanimously.

Angela Keaton, RN 0001-18970

Ms. Keaton did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of the license of Angela Keaton to practice professional nursing. The motion was seconded and carried unanimously.

Teresa Howell, CNA 1401-061442

Ms. Howell did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Teresa Howell and enter a finding of abuse against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Mandi Myers, RN 0001-223693

Ms. Myers did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Mandi Myers. The motion was seconded and carried unanimously.

Lavonda Deel, LPN 0002-058165; RN 0001-175612

Ms. Deel did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Lavonda Deel and order Ms. Deel to provide the Board with verification that she has completed the NCSBN online course "Medication Errors: Detection and Prevention" within 60 days of the entry of the Board order. The motion was seconded and carried unanimously.

Sharon Elliott, CNA 1401-128747

Ms. Elliott did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Sharon Elliott and enter a finding of abuse against her into the Nurse Aide Registry. The motion was seconded and carried unanimously.

Audrey Robinson, CNA 1401-110305

Ms. Robinson did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Audrey Robinson for a period of not less than one year and that a finding of neglect based on a single occurrence be entered against Ms. Robinson in the Nurse Aide Registry.

The motion was seconded and carried unanimously.

Temika Seymour, CNA 1401-111663

Ms. Seymour did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate revoke the nurse aide certificate of Temika Seymour and enter a finding of abuse against Ms. Seymour into the Nurse Aide Registry. The motion was seconded and carried unanimously.

Jacqueline Dillard, RN 0001-196120

Ms. Dillard did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of Jacqueline Dillard's right to renew her license to practice professional nursing in Virginia until such time as she can demonstrate that she is capable of resuming the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

Darrell Phillips, RN 0001-29691

Mr. Phillips did not appear.

Dr. Ingalls moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Darrell Phillips until such time as he can demonstrate that he is capable of resuming the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

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 9:39 A.M. for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Lindsay 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 9:46 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.

Elizabeth Hinkley, RN 0001-129091

Ms. Hinkley appeared.

Dr. Ingalls moved that the Board of Nursing reject the recommended decision of the agency subordinate and refer the matter of Elizabeth Hinkley to a formal hearing. The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at 9:50 A.M.

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

VIRGINIA BOARD OF NURSING
Formal Hearings
July 18, 2012
Panel – B

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:05 A.M. on July 18, 2012 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; Chairperson
Jeanne Holmes, Citizen Member
Jane Ingalls, RN, CNS, PhD
Florence Jones-Clarke, RN, MS
Evelyn Lindsay, LPN
Karen K. Schultz, PhD, MBA, Citizen Member (joined later)

STAFF PRESENT:

Jay P. Douglas, RN, MSM, CSAC, Executive Director
Gloria D. Mitchell, RN, MSN, MBA, Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT:

Howard Casway, Senior Assistant Attorney General

ESTABLISHMENT OF
A QUORUM:

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

FORMAL HEARINGS:

Russell Cummings, RN Reinstatement Applicant 0001-208967
Mr. Cummings appeared, represented by Monica Monday, attorney.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Patty White, court reporter, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions; and Sandra Hall, RN, Risk Analyst, Pitt Memorial Hospital 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 2:15 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Cummings. Additionally, Ms. Lindsay moved that Ms. Douglas, 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 2:45 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.

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

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing reinstate the professional nursing license of Russell Cummings with a valid in Virginia only status, issue an order of reprimand and require Mr. Cummings provide evidence to the Board of completing the NCSBN online course “Documentation: A Critical Aspect of Client Care” within 30 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.

RECESS:

The Board recessed at 2:50 P.M.

RECONVENTION:

The Board reconvened at 3:36 P.M.

FORMAL HEARINGS:

Candace McNeil, LPN 0002-069483

Ms. McNeil appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Patty White, 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 4:35 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. McNeil. Additionally, Ms. Lindsay moved that Ms. Douglas, 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 4:52 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.

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

The motion was seconded and carried unanimously.

ACTION: Dr. Ingalls moved that the Board of Nursing indefinitely suspend the practical nursing license of Candace McNeil until such time as she can appear before the Board and prove that she 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.

Ms. Jones-Clarke left the meeting. Dr. Schultz joined the meeting.

RECESS: The Board recessed at 4:58 P.M.

RECONVENTION: The Board reconvened at 5:14 P.M.

FORMAL HEARINGS: **Medical Learning Center Practical Nursing Education Program**
Chana Mason, RN, Program Director; and Gullalai Safi, Owner/Administrator were present and represented by Jeffrey Vogelmann, attorney.

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

Tomeka Dowling, RN, Nursing Education Consultant, Board of Nursing; Gullalai Safi, Owner/Administrator, Medical Learning Center; and Chana Mason, RN, Program Director, Medical Learning Center 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 7:03 P.M. for the purpose of deliberation to reach a decision in the matter of Medical Learning Center Practical Nursing Education Program. Additionally, Ms. Lindsay moved that Ms. Douglas, 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 7:50 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.

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

ACTION: Ms. Lindsay moved that the Board of Nursing continue Medical Learning Center Practical Nursing Education Program on conditional approval and limit the program from admitting no more than 20 students until after the action by the

Board following a site visit in January 2013 and appearance before the Special Conference Committee in March 2013.

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 7:53 P.M.

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