

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
July 19, 2012**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:10 A.M. on July 19, 2012 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT: Patricia M. Selig, RN, FNP, PhD; Chairperson  
Joan Cordle, RN, CMT  
Louise D. Hartz, Citizen Member  
Jeanne E. Holmes, Citizen Member  
Jane R. Ingalls, RN, BSN, MBA  
Karen K. Schultz, PhD, MBA; Citizen Member

BOARD MEMBERS ABSENT: Patricia C. Lane, RN, BSN, MBA

STAFF PRESENT: Gloria D. Mitchell, RN, MSN, MBA, Deputy Executive Director  
Jodi P. Power, RN, JD, Deputy Executive Director  
Amy Davis, Executive Assistant

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General  
Students from Rappahannock Westminster Canterbury

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

FORMAL HEARINGS: **Hye Yon Shuler, CMT Reinstatement Applicant 0019-006643**  
Ms. Shuler appeared, accompanied by Kyong Oh, interpreter.  
  
Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lanieda Briggs, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was 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 10:00 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Shuler. Additionally, Ms. Hartz moved that 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 10:33 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.

Ms. Holmes 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: Dr. Ingalls moved that the Board of Nursing deny the reinstatement of the massage therapy certification of Hye Yon Shuler and continue on indefinite suspension 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.

Ms. Cordle left the meeting.

RECESS: The Board recessed at 10:36 A.M.

RECONVENTION: The Board reconvened at 10:45 A.M.

FORMAL HEARINGS: **Megan Simmons, CNA 1401-136452**  
Ms. Simmons did not appear.

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

Marcia Treakle, Director of Social Services, Envoy of Staunton; Ann Hardy, Senior Investigator, Department of Health Professions 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 11:01 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Simmons. Additionally, Ms. Hartz moved that 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 11:11 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.

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. Schultz moved that the Board of Nursing revoke the right to renew the nurse aide certification of Megan Simmons and to enter a finding of abuse against her in the Virginia 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:**

**Katherine D.C. Watson, LPN Reinstatement Applicant 0002-063513**

Ms. Watson appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lanieda Briggs, court reporter, recorded the proceedings.

Vicki Gwaltney Garrison, Pharmacist, Pharmacy Inspector, Department of Health Professions; and Patricia Sheehan, Senior Investigator, Department of Health Professions 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 12:44 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Watson. Additionally, Ms. Hartz moved that 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 1:12 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. Holmes 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:**

Dr. Schultz moved that the Board of Nursing deny the application of Katherine Watson for reinstatement of her practical nursing license, continue the license on

indefinite suspension, stay the suspension contingent upon her remaining in compliance with the terms of the Health Practitioners' Monitoring Program and submission to the Board of evidence of 15 contact hours of continuing education. 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 1:16 P.M.

RECONVENTION: The Board reconvened at 2:09 P.M.

FORMAL HEARINGS: **Raymonia Foreman, LPN Reinstatement Applicant 0002-085923**  
Ms. Foreman appeared and indicated she had not received the exhibits that was mailed to her on July 16, 2012 to be delivered on July 17, 2012. Ms. Foreman requested a continuance in order to review the exhibits and to prepare for the formal hearing.

Dr. Selig granted a continuance.

ADJOURNMENT: The Board adjourned at 2:21 P.M.

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Gloria Mitchell, RN, MSN, MBA  
Deputy Executive Director