

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 31, 2013**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:07 A.M. on January 31, 2013 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Louise D. Hartz, Citizen Member; Vice President
Jeanne Holmes, Citizen Member
Jane R. Ingalls, RN, PhD
Patricia C. Lane, RN, BSN
Trula Minton, MS, RN

STAFF PRESENT:

Brenda Krohn, RN, MS; Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist
Amy Davis, Executive Assistant (joined later)

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Nursing students from Southside Virginia Community College and Fortis College

ESTABLISHMENT OF A QUORUM:

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

FORMAL HEARINGS:

Kathryn Charles Miles, RN Reinstatement Applicant 0001-144275
Ms. Miles appeared, accompanied by her father, Jeffrey Charles.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lisa Mattson, court reporter with Crane-Snead Reporting, recorded the proceedings.

Angela Menjivar, Case Intake Investigator, Department of Health Professions and Jeff Charles 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 10:40 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Miles. Additionally, Ms. Holmes moved that Ms. Krohn, Ms. Mitchell, Ms. Graham 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 10:56 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.

Ms. Lane 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 issue a reprimand to Kathryn Miles, deny the application for reinstatement of her professional nursing license and continue the license on indefinite suspension, stay the suspension contingent upon proof of her re-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.

FORMAL HEARINGS:

Rhonda Lynn Mays, LPN 0002-038047

Ms. Mays appeared.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lisa Mattson court reporter with Crane-Snead Reporting, recorded the proceedings.

Naima Fellers, Senior Investigator, Department of Health Professions; and Kimberly Myrick, 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 11:47 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Mays. Additionally, Ms. Holmes moved that Ms. Krohn, Ms. Mitchell, Ms. Graham 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 11:56 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.

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:

Ms. Lane moved that the Board of Nursing issue a reprimand to Rhonda Mays and continue her practical nursing license on indefinite suspension until she can come before the Board and prove 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:

Anthony M. Johnson, CNA 1401-146659

Mr. Johnson did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lisa Mattson, court reporter with Crane-Snead Reporting, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; Corporal Jeremy Campbell, Staunton Police Department; and Sarah LaFleur, Speech Pathologist, Envoy of Staunton 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 12:30 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Johnson. Additionally, Ms. Holmes moved that Ms. Krohn, Ms. Mitchell, Ms. Graham 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 12:34 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.

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. Lane moved that the Board of Nursing revoke the nurse aide certificate of Anthony Johnson and enter a finding of abuse against him in 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.

RECESS:

The Board recessed at 12:40 P.M.

RECONVENTION: The Board reconvened at 1:15

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

FORMAL HEARINGS: **Sheree S. Wentz, RN 0001-077849**
Ms. Wentz appeared, accompanied by Robin Gregory, NA sponsor.

David Kazzie, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lisa Mattson, court reporter with Crane-Snead Reporting, recorded the proceedings.

Lisa Elgin, Senior Investigator, Department of Health Professions; and Robin Gregory, NA sponsor 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. Wentz. Additionally, Ms. Holmes moved that Ms. Krohn, 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 1:48 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.

ACTION: Ms. Holmes moved that the Board of Nursing accept the recently signed consent order to indefinitely suspend the professional nursing license of Sheree Wentz, stay the suspension upon proof that she has entered into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the terms of 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.

FORMAL HEARINGS: **Lavonda Deel, RN 0001-175612**
Ms. Deel appeared, represented by Timothy McAfee, attorney.

Olivia Exterovich, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lisa Mattson, court reporter with Crane-Snead Reporting, recorded the proceedings.

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 5:33 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Deel. Additionally, Ms.

Holmes moved that Ms. Krohn, 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 5:53 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.

ACTION:

Ms. Holmes moved that the Board dismiss the case in the matter of Lavonda Deel due to a lack of clear and convincing evidence of a violation. 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 6:00 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director