

VIRGINIA BOARD OF NURSING
Minutes
March 20, 2013

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on March 20, 2013 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Jane R. Ingalls, RN, PhD; President
Louise D. Hartz, Citizen Member; Vice President
Evelyn Lindsay, LPN; Secretary
Allison Gregory, RN, FNP-BC
Jeanne Holmes, Citizen Member
John M. Horn, LPN
Florence Jones-Clarke, RN, MS
Patricia Lane, RN, BSN, MBA
Trula Minton, MS. RN
Patricia M. Selig, RN, FNP, PhD
William Traynham, LPN, CSAC

STAFF PRESENT:

Jay P. Douglas, RN, MSM, CSAC; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Amy Davis, Executive Assistant
Darlene Graham, Senior Discipline Specialist
Ann Tiller, Compliance Manager
Jane Elliott, RN; Discipline Staff

OTHERS PRESENT:

Howard Casway, Senior Assistant Attorney General
Corie Tillman Wolf, Assistant Attorney General (via telephone)
Anne Joseph, Deputy Director, Administrative Proceedings Division
David Kazzie, Adjudication Specialist

CONSIDERATION OF POSSIBLE SUMMARY SUSPENSIONS

The meeting was called to order by Dr. Ingalls. With eleven members of the Board participating, a quorum was established.

Maria T. Campbell, LPN 0002-069718

Corie Tillman Wolf Assistant Attorney General, presented evidence that the continued practice of Maria T. Campbell may present a substantial danger to the health and safety of the public.

Ms. Hartz moved to summarily suspend the professional nursing license of Maria Campbell pending a formal administrative hearing and to offer a consent order for

indefinite suspension of her license in lieu of a formal hearing. The motion was seconded and carried unanimously.

Amy Aliff, RN 0001-2087150

Corie Tillman Wolf Assistant Attorney General, presented evidence that the continued practice of Amy Aliff may present a substantial danger to the health and safety of the public.

CLOSED MEETING:

Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:16 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Aliff. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Power, Ms. Mitchell, Ms. Kleiner, Ms. Graham, Ms. Davis, Ms. Wolf 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 9:21 A.M.

Ms. Jones-Clarke 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.

Dr. Selig moved to summarily suspend the professional nursing license Amy Aliff pending a formal administrative hearing and to offer a consent order to continue her license on indefinite suspension, stay the suspension contingent upon her entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the program in lieu of a formal hearing. The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at 9:23 A.M.

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

VIRGINIA BOARD OF NURSING
Formal Hearings
March 20, 2013
Panel - A

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:39 A.M. on March 20, 2013 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Louise D. Hartz, Citizen Member; Vice President
Evelyn Lindsay, LPN; Secretary
Allison Gregory, RN, FNP-BC
Joyce A. Hahn, PhD, APRN, NEA-BC
Patricia M. Selig, RN, FNP, PhD
William Traynham, LPN, CSAC

STAFF PRESENT: Jodi P. Power, RN, JD; Deputy Executive Director
Linda Kleiner, RN; Discipline Case Manager
Amy Davis, Executive Assistant

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Karen M. Manley, CNA 1401-092818
Ms. Manley did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Karen Manley.
The motion was seconded and carried unanimously.

Ashley Sylvain, CNA 1401-129757
Ms. Sylvain did not appear.

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

Cynthia Barnhart, CNA 1401-005743
Ms. Barnhart did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Cynthia Barnhart.

The motion was seconded and carried unanimously.

Loretta Long, CNA 1401-089399

Ms. Long did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Loretta Long.

The motion was seconded and carried unanimously.

Traci Neville, CNA 1401-087672

Ms. Neville did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision of the agency subordinate indefinitely suspend the nurse aide certificate of Traci Neville until such time as she can appear before the Board and demonstrate that she is capable of resuming safe and competent nurse aide practice.

The motion was seconded and carried unanimously.

Maria Tatum, CNA 1401-116679

Ms. Tatum did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Maria Tatum and enter a finding of abuse and neglect against her in the Nurse Aide Registry.

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 9:40 A.M. for the purpose of deliberation to reach a decision in the matter of agency subordinate recommendations. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Kleiner, 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 9:45 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.

Virginia Rumble, CNA 1401-040478

Ms. Rumble did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Virginia Rumble for not less than one year and that a finding of

neglect based on a single occurrence be entered against her in the Nurse Aide Registry.

The motion was seconded and carried unanimously.

Samantha Osei, CNA 1401-121560

Ms. Osei did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Samantha Osei.

The motion was seconded and carried unanimously.

RECESS:

The Board recessed at 9:46 A.M.

RECONVENTION:

The Board reconvened at 10:45 A.M.

Jacqueline Walker, RN 0001-155114

Ms. Walker appeared.

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 10:57 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Walker. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Kleiner, 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 11:05 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.

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

FORMAL HEARINGS:

Teresa Jett, RN 0001-127141

Ms. Jett appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Patricia Harte-Byers, Senior Investigator; Department of Health Professions and Chris Bower, Case Manager, Health Practitioners Monitoring Program 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 12:37 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Jett. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Kleiner, 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 1:29 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. Gregory 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. Selig moved that the Board of Nursing reprimand Teresa Jett and continue the professional nursing license of Ms. Jett on indefinite suspension, but stay the suspension upon re-entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Program. The motion was seconded and carried. Ms. Gregory, Dr. Hahn, Ms. Hartz, Dr. Selig and Mr. Traynham were in favor of the motion. Ms. Lindsay 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.

RECESS: The Board recessed at 1:34 P.M.

RECONVENTION: The Board reconvened at 2:17 P.M.

Ms. Hartz left the meeting. Ms. Lindsay was the presiding officer for the remaining hearings.

FORMAL HEARINGS: **Richard Lawson, RN 0001-209884**
Mr. Lawson did not appear.

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

Jennifer Baker, Regional Enforcement Manager, Department of Health Professions; and Kathy Ward, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:31 P.M. for the purpose of

deliberation to reach a decision in the matter of Mr. Lawson. Additionally, Ms. Gregory moved that Ms. Power, Ms. Kleiner, 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 2:36 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.

Dr. Selig 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 reprimand Richard Lawson and indefinitely suspend the right to renew the professional nursing license of Mr. Lawson until such time as he can appear before the Board and prove that he 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:

Kenyetta Manzie, LPN 0002-079454

Ms. Manzie did not appear.

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

Kelly Ashley, Senior Investigator, Department of Health Professions; and Tonya James, Compliance Manager, Board of Nursing were present and testified.

CLOSED MEETING:

Ms. Gregory moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:01 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Manzie. Additionally, Ms. Gregory moved that Ms. Power, Ms. Kleiner, 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 3:14 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.

Dr. Selig 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. Hahn moved that the Board of Nursing reprimand Kenyetta Manzie and indefinitely suspend the right to renew the practical nursing license of Ms. Manzie until such time as she can appear before the Board and demonstrate sufficient evidence 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 3:17 P.M.

Jodi P. Power, RN, JD
Deputy Executive Director

VIRGINIA BOARD OF NURSING
Formal Hearings
March 20, 2013
Panel - B

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:31 A.M. on March 20, 2013 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Jane R. Ingalls, RN, PhD; President
Jeanne Holmes, Citizen Member
John M. Horn, LPN
Florence Jones-Clarke, RN, MS
Trula Minton, MS, RN

STAFF PRESENT: Jay P. Douglas, RN, MSM, CSAC; Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Howard Casway, Senior Assistant Attorney General
Nursing students from Southside Virginia Community College; and nurse aide students from Prince Edward County High School

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

CLOSED MEETING: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:32 A.M. for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, 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 9:338 A.M.

Ms. Jones-Clarke 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.

Johnny B. Overton, Jr., CNA 1401-086313

Mr. Overton did not appear.

Ms. Jones-Clarke moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Johnny Overton. The motion was seconded and carried unanimously.

Rhonda Penn, CNA 1401-140424

Ms. Penn did not appear.

Ms. Jones-Clarke moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Rhonda Penn for not less than one year and that a finding of neglect be entered against her in the nurse aide registry. The motion was seconded and carried unanimously.

Sheila Anderson, CNA 1401-095199

Ms. Anderson did not appear.

Ms. Jones-Clarke moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Sheila Anderson. The motion was seconded and carried unanimously.

Shelley Blankenship, CNA 1401-113086

Ms. Blankenship did not appear.

Ms. Jones-Clarke moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Shelly Blankenship. The motion was seconded and carried unanimously.

Renee Dumpson, CNA 1401-003795

Ms. Dumpson did not appear.

Ms. Jones-Clarke moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Renee Dumpson. The motion was seconded and carried unanimously.

Jessica Smith, CNA 1401-152035

Ms. Smith did not appear.

Ms. Jones-Clarke moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Jessica Smith and that a finding of misappropriation of patient property be entered against her in the nurse aide registry. The motion was seconded and carried unanimously.

Colleen Andrew, CNA 1401-103061

Ms. Andrew did not appear.

Ms. Jones-Clarke moved that the Board of Nursing accept the recommended decision of the agency subordinate revoke the nurse aide certificate of Colleen

Andrew and enter a finding of abuse against her in the nurse aide registry. The motion was seconded and carried unanimously.

Matthew J. Siefried, LPN 0002-076230

Mr. Siefried did not appear.

Ms. Jones-Clarke moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Matthew Siefried until such time as he can demonstrate that he is able to resume the safe and competent practice of practical nursing. The motion was seconded and carried unanimously.

Tangela Blantch, CNA 1401-039075

Ms. Blantch appeared.

CLOSED MEETING:

Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:54 A.M. for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, 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 9:59 A.M.

Ms. Jones-Clarke 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 recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Tangela Blantch with said suspension to be stayed upon receipt of proof of Ms. Blantch'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.

FORMAL HEARINGS:

Michelle Simmons, LPN 0002-084146

Ms. Simmons appeared.

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

Ron Houser, Senior Investigator, Department of Health Professions; Pamela Reynolds, Assisted Living Facility Administrator at Dutch Haven Assisted Living; and John McAlevy, Executive Director, Golden Living Center of Rose Hill were present and testified.

CLOSED MEETING: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:34 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Simmons. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, 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 12:19 P.M.

Ms. Jones-Clarke 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: Ms. Holmes moved that the Board of Nursing issue an order of reprimand to Michelle Simmons and further order Ms. Simmons to provide proof of completion of two National Council of State Boards of Nursing online courses “Documentation: A Critical Aspect of Client Care” and “Medication Errors: Detection and Prevention” within 60 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.

FORMAL HEARINGS: **Barbara Forbes, LPN Reinstatement Applicant 0002-080352**

Ms. Forbes appeared.

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

CLOSED MEETING: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12.51 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Forbes.. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, 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 1:00 P.M.

Ms. Jones-Clarke 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. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Mr. Horn moved that the Board of Nursing deny reinstate the practical nursing license of Barbara Forbes. 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 1:05 P.M.

RECONVENTION:

The Board reconvened at 1:50 P.M.

FORMAL HEARINGS:

Kim L. Lewis, RN 0001-236633

Ms. Lewis appeared.

David Kazzie, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Nerissia Bass, court reporter with Crane Snead Reporting, recorded the proceedings.

Naima Fellers, Senior Investigator, Department of Health Professions; Valeria Richard, Pulmonary Unit Staff Nurse at Winchester Medical Center; and Jessica Watson, Pulmonary Unit Clinical Manager at Winchester Medical Center were present and testified.

CLOSED MEETING:

Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 2:00 P.M. for consultation with legal counsel pertaining to actual or probable litigation. Additionally, Ms. Holmes moved that Ms. Douglas, 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 2:18 P.M.

Mr. Horn 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 deny the request of Kim Lewis for a continuance in this matter. The motion was seconded and carried unanimously.

CLOSED MEETING: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:31 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Lewis. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, 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 5:04 P.M.

Ms. Jones-Clarke 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. Horn moved that the Board of Nursing continue the professional nursing license of Kim Lewis on indefinite suspension for not less than one year and until such time she can appear 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.

ADJOURNMENT: The Board adjourned at 5:10 P.M.

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