

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 23, 2013**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:19 A.M. on May 23, 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
Allison Gregory, RN, FNP-BC
Joyce A. Hahn, PhD, APRN, NEA-BC
Jeanne E. Holmes, Citizen Member
William Traynham, LPN, CSAC

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 M. Casway, Senior Assistant Attorney General
Nursing students from Riverside School of Professional Nursing and Buckingham CTE Center, nurse aide students

**ESTABLISHMENT OF
A QUORUM:**

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

FORMAL HEARINGS:

LaToya Wilson, LPN Reinstatement Applicant 0002-073885
Ms. Wilson appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter with Farnsworth & Taylor Reporting, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions was 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 9:45 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wilson. Additionally, Ms. Holmes 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 10:04 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.

Dr. Hahn 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. Gregory moved that the Board of Nursing reinstate the practical nursing license of LaToya Wilson on indefinite probation of two years of actual nursing practice in a structured on-site supervised setting approved by the Board with terms and conditions. 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 10:08 A.M.

RECONVENTION:

The Board reconvened at 10:19 A.M.

FORMAL HEARINGS:

Karin Bales, RMA 0031-003188

Ms. Bales did not appear.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff court reporter with Farnsworth & Taylor Reporting, recorded the proceedings.

Kelli Moss, Senior Investigator, Department of Health Professions; Sharon DeBoever, Licensing Inspector, Department of Social Services; and Melissa Adams, RN, New Life Assisted Living 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 10:56 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bales. Additionally, Ms. Holmes 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 11:09 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. 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:

Mr. Traynham moved that the Board of Nursing continue the medication aide registration of Karin Bales on indefinite suspension until such time as 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.

FORMAL HEARINGS:

Brenda Trent, CNA 1401-092532

Ms. Trent appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter with Farnsworth & Taylor Reporting, recorded the proceedings.

James Wall, Senior Investigator, Department of Health Professions was 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 11:59 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Trent. Additionally, Ms. Holmes 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 12:07 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 dismiss the case in the matter of Brenda Trent due to a lack of evidence. 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 12:08 P.M.

RECONVENTION:

The Board reconvened at 1:27 P.M.

FORMAL HEARINGS:

Kecia E. Fenton, CNA Reinstatement Applicant 1401-093613

Ms. Fenton appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff court reporter with Farnsworth & Taylor Reporting, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was 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 1:58 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Fenton. Additionally, Ms. Holmes 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 2:07 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.

Dr. Hahn 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 reinstate the nurse aide certificate of Kecia Fenton. 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:

Jacqueline Walker, RN 0001-155114

Ms. Walker did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff court reporter with Farnsworth & Taylor Reporting, recorded the proceedings.

Helen Patricia Sears, RN, Manager, Patient Care Services, Sentara Northern Virginia Medical Center; Christina Lourenco, Human Resource Specialist, Sentara Northern Virginia Medical Center; Dayo Akinbe, RPh, MBA, Director of Pharmacy, Sentara Northern Virginia Medical Center; and Naima Fellers, Senior Investigator, Department of Health Professions 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 2:59 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Walker. Additionally, Ms. Holmes 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 3:10 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.

Dr. Hahn 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. Gregory moved that the Board of Nursing indefinitely suspend the professional nursing license of Jacqueline Walker 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.

ADJOURNMENT: The Board adjourned at 3:12 P.M.

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