VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 18, 2013

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:34 A.M. on July 18, 2013 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Jane R. Ingalls, RN, PhD; Chairperson
Louise Hartz, Citizen Member
Jeanne Holmes, Citizen Member
Florence Jones-Clarke, RN, MS
Evelyn Lindsay, LPN (joined later)
Trula Minton, MS, RN

STAFF PRESENT:
Jay P. Douglas, RN, MSM, CSAC; Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT:
Braden Curtis, Assistant Attorney General
Charis Mitchell, Assistant Attorney General (joined later)
Ruth Williams, VCU graduate student (observing)
Nursing students from Fortis College, Norfolk; Valley Vocational Technical Center; and Riverside School of Professional Nursing

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

FORMAL HEARINGS: **Sharon D. Alls, RN Reinstatement Applicant 0001-193817**
Ms. Alls appeared.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Mr. Curtis was legal counsel for the Board. Terri Pata, court reporter with Farnsworth & Taylor Reporting, recorded the proceedings.

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 10:12 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Alls. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis, Ms. Williams and Mr. Curtis 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 10:52 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. Kazzie and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Minton moved that the Board of Nursing reprimand Sharon Alls, reinstate the professional nursing license of Ms. Alls as valid in Virginia only and place Ms. Alls on probation for a period of one year employment as a professional nurse 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 10:58 A.M.

RECONVENTION: The Board reconvened at 11:35 A.M.

Ms. Lindsay joined the meeting, Ms. Hartz left the meeting.

FORMAL HEARINGS: **Mary M. Scotka Hall, RN Reinstatement Applicant 0001-176592**
Ms. Hall appeared, accompanied by her husband, David Hall.

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

David Hall, husband; David Martin, friend; Michelle Walker, friend; Thayne Flora, friend; Patricia Sheehan, Senior Investigator, Department of Health Professions; Kelly Ashley, Senior Investigator, Department of Health Professions and Kathy Ward, 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 12:44 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hall. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis, Ms. Williams and Mr. Curtis 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 1:07 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. Jones 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 Mary Scotka Hall contingent upon her continued 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 1:11 P.M.

RECONVENION: The Board reconvened at 1:58 P.M.

Ms. Mitchell joined the meeting, Mr. Curtis left the meeting.

FORMAL HEARINGS: **Byron Wilmoth, RN Reinstatement Applicant 0001-211266**
Ms. Wilmoth appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Terri Pata, court reporter with Farnsworth & Taylor Reporting, recorded the proceedings.

Lisa Elgin, Senior Investigator, Department of Health Professions was 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 3:02 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Wilmoth. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis, Ms. Williams 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 3:30 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. Minton moved that the Board of Nursing deny reinstatement of the professional nursing license of Byron Wilmoth and continue his license on indefinite suspension until such time as he can appear before the Board and provide evidence 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: **Kimberly Lambert, CNA 1401-102928**
Ms. Lambert appeared, represented by Jonathan Joseph, attorney.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Terri Pata, court reporter with Farnsworth & Taylor Reporting, recorded the proceedings.

Kevin Pultz, Senior Investigator, Department of Health Professions; Natacha Knick, CNA, Envoy of Staunton 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 5:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lambert. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis, Ms. Williams 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 5:30 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.

ACTION: Ms. Jones-Clarke moved that the Board of Nursing dismiss the case against Kimberly Lambert due to insufficient evidence of violation of law for regulations governing nurse aide 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 5:32 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director